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TO

THE STATUTES IN FORCE

IN

UPPER CANADA,

ERRATA.

The Reader will please to make the following corrections with his pen,
before using the work.

Page 25—Line 6—For defendants may insist—Put “descendants may inherit,”
and add “s. 9” after notwithstanding.

Page 25—Line 7—For c. 17—Put “c. 24, s. 17.”

“ 26— “ 29, 30—For or prisoner, after service—Put “a prisoner after return.”

“ 27— “ 10—After felony, s. 25—Add “But see Transportation.”

“ 30— “ 9— “ registered—Insert “Notes.”

“ 36— “ 24—For amended—Put “repealed.”

“ 44— “ 39— “ 5 and 15—Put “5 to 15.”

“ 120— “ 13— “ errors—Put “orders.”

“ 155— “ 3— “ pidgeon—Put “widgeon.”

“ 225— “ 36— “ of—Put “or.”

“ 248— “ 13— “ made entry ou—Put “make entry or.”

“ 279— “ 8— “ Now levied—Put “How levied.”

“ 294— “ 7—Strike out “or currency.”

A few other slips of the press have been discovered ; but they are such as
do not affect the sense, and cannot mislead the Reader.



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V.C.

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1856.

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= (Indexes)

E. C. Duggan

Yp 9

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INDEX *ct*

TO

THE STATUTES IN FORCE

IN

UPPER CANADA,

AT

THE END OF THE SESSION

OF

1854-5,

Including a classification thereof, a Revision of the Public General Acts,
and an Index to the Statutes not in force.

PREPARED BY ORDER OF THE LEGISLATIVE ASSEMBLY,

ON MOTION OF

J. W. GAMBLE, ESQ.

BY

G. W. WICKSTEED, Q. C., Law Clerk of the House.



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NOTICE.

Mr. GAMBLE moved, in the Legislative Assembly, on the 8th of November, 1854,—

“ That the Law Clerk of this House with such assistance as he may deem necessary, and which assistance he is hereby authorized to procure, do prepare an Index of the Statutes now in force in this Province, as full and complete and upon the same plan as that of the Revised Statutes of Canada West, which Index shall be made and finished in time to be printed with the Statutes that may be passed during the present session, and shall be so printed and bound up with them.”

The motion was carried unanimously, and an Order was made accordingly.

I had the most earnest desire to obey the command of the House. But it will be evident that the execution of the order thus made, necessarily involved a critical examination of the whole Statute Law of the Province ; since without such examination it was manifestly impossible to say what part of it was or was not in force ; and the terms of the Order shew the sense of the House, that an Index which did not include this distinction would be useless. Nor could the work be confined to merely ascertaining what Acts or parts of Acts were expressly repealed, it must extend also to all questions of virtual repeal, and to the action and effect, direct or indirect, of the later Statutes upon the earlier.

Now, we have the authority of the former Revisers of the Statutes of Upper Canada, (and better authority no man in Upper Canada will desire,) that this examination and the statement of its results in a convenient form, is not only a revision of the Statutes, but all that revision can effect without the intervention of the Legislature. It was all they themselves held it expedient to attempt. Nor was it a slight service which they rendered to the public in thus separating the living from the dead law, and so staying for a time the plague of confusion which was overrunning the Statute-Book.

I found a similar office assigned to me by the order of the House ; except that it included the Statutes in force in each of the divisions of the Province, and those common to both. I was not indeed called upon to reprint the Laws in force, (a very laborious and responsible though not very difficult work) but to counterbalance this advantage, I had to make an Index to eleven separate volumes, and which to be intelligible as well as to be within the terms of the Order, must be very much fuller and more comprehensive than an Index referring to a single volume and annexed to it.

I saw, therefore, that it was impossible to comply literally with the command of the House ; for besides that the time which would probably elapse before the close of the Session would be insufficient as regarded the Statutes then in existence, it was certain that a very large number would be passed in that very Session, which must not only be included in the Index, but the effect of which on former Statutes must be taken into account, and might render necessary extensive changes in whatever part of the work should then have been done. But I determined that if I could not obey the letter of the Order, I would leave nothing undone to comply with its spirit.

To delay the distribution of the Statutes until the work should be printed would have been unwarrantable, but I thought it possible to complete the publication before the Legislature should meet again.

The Statutes in force in Canada are obviously divisible into three classes: those which apply exclusively to Upper Canada,—those which apply exclusively to Lower Canada,—and those common to the whole Province; and the mass of printed matter in each of these three divisions is very nearly equal. It would have been inconvenient to mix up indiscriminately the enactments applicable exclusively to Lower or to Upper Canada, and I determined to divide the Index into two parts, one for Upper and the other for Lower Canada, but each including the Acts common to the whole Province. As my Assistant for that relating to Upper Canada, I esteem myself fortunate in having secured the services of Mr. W. C. KEELE, a gentleman well known as the author of a most useful and popular work for the Magistracy in that section of the Province. For the part relating to Lower Canada I was not so happy; and several gentlemen, to whom I applied, declined the office after consideration. The work was laborious, monotonous and uninviting; while from its nature, as well as from the limited time allowed for its performance, it was absolutely requisite that whoever undertook should not only devote his whole time to it, but work at it early and late. I have only recently been able to secure the services of a gentleman competent and willing to do this. And indeed, I soon found that properly to revise, correct and print that part of the Index relating to Upper Canada and to the whole Province, was quite as much as I could do before the next meeting of the Legislature. The Lower Canada portion of the work will be done immediately after the next Session, and will, of course, include the Acts passed in it.

Mr. R. A. HARRISON, a gentleman well known in Upper Canada as in every way qualified for the task, undertook and prepared an Index to the Statutes applying to the whole Province. I had intended to weave it in with the Lower Canada division of the work, but, owing to the circumstances I have mentioned, I have not yet been able to avail myself of it.

The House adjourned on the 18th of December, 1854, after passing sixty-seven Acts: it met again on the 23rd of February, 1855; and Parliament was prorogued on the 30th of May, 1855, after passing one hundred and eighty-four Acts—making in all two hundred and fifty-one during the Session. Of these, as they were printed, I sent copies to Mr. Keele, and was in constant correspondence with him, and by the end of July he reported himself ready. As early in August as the completion of my duties after the Session would allow, I came up to Toronto, and received from him the manuscript of the Index to the Public General Acts: the remainder of the work I had undertaken myself. Up to that time my official duties had prevented my doing more than correspond with Mr. Keele and give him my instructions; but from that time to the present (except during the time employed in removing to Toronto) I have been unceasingly engaged in arranging, revising, completing and printing the work.—examining every reference by the book, and correcting, adding, expunging or transposing, as I deemed advisable. I had purposely refrained from giving Mr. Keele more than general notes, in order that he might work independently of me, and so be a check upon me; and it is no disparagement of his labours, that upwards of twenty-five years official familiarity with the Statutes, very many of which I myself drafted, should have enabled me sometimes to correct his work. He has frequently corrected mine.

By the time the Queen's printer had finished the French version of the Statutes, I was ready to give him copy and he has never waited for it since. He too lost some time by the removal, but he has been indefatigable in his exertions, under the very considerable disadvantages resulting from it; and to him and to Mr. Keele's unwearied assistance, in every way in which I could make it available, I owe it that the work is now ready.

I have thought it right to enter into these details, in order to shew that the impossibility of complying literally with the Order of the House, alone prevented me from doing so, not to apologize for the time it has taken me to do what I feel that nothing but that Order would have justified my attempting to do in so short a period. Had I not been partly prepared before with a view to revision in another form, I should not have dared to attempt it.

The rule I have adopted in framing the Index, is to refer to all the sections of each Public General Act which are in force, under some one title, making that title the most special which would embrace all the provisions; and to cite any of them which come properly under other titles, either by repeating them under such titles, or by reference to that embracing the whole Act, as might seem best; and it will be found very useful to bear this in mind in using the work. In an Index referring to so many volumes I held it highly desirable to mention every section in force, and to make the work much fuller than I should have done if it had been annexed to a volume containing the Acts referred to, in which case I should also have reversed the plan, making the reference to the titles including whole Acts short, and giving the details under the incidental titles. As regards the Local and Private Acts, the references are, as in the Index to the Revised Statutes of Upper Canada, to the Acts only, and not to their provisions. To have done more than this would have been impossible in the time, while it would have swelled the work to inordinate dimensions; nor did the Order of the House require or justify more.

The classification is carried out in the Supplement, and will, I think, be found very useful, not only by those who wish to find all the Statute Law on any of the larger subjects; but also as a help in various other ways. There are many Acts which no two persons would enter under the same title—but the class to which they belong can scarcely be mistaken, nor the right title among those in that class. The classification also binds the titles of the Index together and completes them: every provision bearing upon a subject cannot always be entered under one title, and from my being compelled to give part of the work to the printer before the whole could be finally revised, it has sometimes happened that a provision omitted under a title under which it would have been strictly right to refer to it, has been entered under another either of the same import or nearly related to it; and I strongly advise those who wish to find the whole law upon any subject, to look at least at the titles nearly connected with it in the same class. A classification might have been devised more logically correct and more special—thus the titles relating to “Procedure” might be divided into “before trial”—“at trial”—“after trial”—and so of the rest: but I found that the Acts themselves (and therefore the titles referring to them) generally embraced too many matters for this arrangement, and that practically the best division I could devise was that which I have adopted.

Under the class of Criminal or Penal Law I have included those titles where the main object of the provisions referred to is to prevent the doing of some act which is contrary to the public good, although the punishment im-

posed is only a pecuniary penalty ; but I have not included those where the penalty is merely incidental, as in the title " Militia " for instance.

The second part of the supplement contains an Index to the Acts (not the provisions) which have for any reason been omitted in the main Index. Where the Act is a public general one, its insertion in this part indicates that it is either expressly or impliedly repealed or superseded, or has expired. But local and personal or private Acts, which have not been expressly repealed, have been referred to briefly in the main Index ; and though many of them may be virtually superseded by others or effete by the accomplishment of their object, yet they may still affect some title, claim or right, and their insertion is merely an indication that the repeal has not been express. If they have been expressly repealed or have expired they are of course entered in the second part of the supplement.

There is a class of transitory Acts consisting principally of those granting sums of money to certain persons or for certain purposes, which are public and general only in so far as the grants come out of the public chest, but local or personal so far as regards the persons or purposes for which the grants are made. They are not strictly temporary, for the money may remain any length of time unexpended ; but they are effete whenever it is. These are entered in the main Index, whenever there appeared any probability that any thing remained to be done under them, as in case of pensions or public works still treated as such by the Legislature ; in other cases they are entered in the supplement, where, if required, they can be found with equal facility. Neither local nor personal Acts are of much general interest or of frequent reference ; but, in seeking those upon any subject, I advise that both the Index and the Supplement be consulted.

I had intended to accompany the work with a Table of all the Statutes in chronological order, shewing by what subsequent Acts each had been amended, continued, repealed or otherwise affected ; in fact giving a brief history of each. The materials of such a Table it was absolutely necessary to collect before the Index could be made, and when they were collected I directed Mr. Keele to make the Table, meaning to revise and check it by my own notes. This he has done, but it was found impossible to complete and print it at present without retarding the main work too long. As I hold it to be most useful, and as it will afford directly that information respecting the Statutes which can only be gathered indirectly from what is now published, I trust the House will order it to be printed. Hoping that it would form part of the present publication, I omitted in most cases the mere continuing Acts and clauses, and most of the information as to the mode in which the Acts which have been in force in Upper Canada, have ceased to be so.

Much still remains to be done before an Edition of the Statutes of Upper Canada worthy of the Country can be published. To reprint them in their present state would be worse than useless ; the discrepancies, contradictions and double provisions for the same thing must be first removed, the doubtful points cleared up, and the enactments consolidated in cases where they are scattered through a multitude of Acts. This will undoubtedly be done by the Revisers to be appointed under the Honorable Mr. J. H. CAMERON's motion of last Session, and with the aid of the Legislature. But a considerable time must elapse before this can be accomplished, and I trust that the present work will not only meet the wants of the public in the mean time, but that by enabling the Revisers and the Legislature to start from a more advanced point and to begin the work of amendment and con-

solidation at once, it will ensure the speedy accomplishment of the greater work which still remains to be done. It is not likely that any reprint will include the local and private Acts, and the portion of the Index which relates to them will remain useful after the rest is superseded by a newer and better work, while the Tables I propose to print will contain the history of the legislation of the Country, and will never cease to be interesting and useful.

In the course of the work we have had to examine nearly nine thousand pages of matter, and to refer to several thousand Acts ; and the difficulty has been increased by being obliged to refer to them by the reign and chapter instead of the mere number of the page. I have no wish to undervalue what I have done, but I cannot expect to have escaped errors, though I have taken all the pains which the time would allow to avoid them. I believe they are neither numerous nor grave. Undoubtedly if I had had more time I could have made the work better in many respects, and whatever may be its defects, I trust the period within which I was bound to complete it will be taken into consideration in judging them. I fear least of all the judgment of those who have themselves undertaken or are competent to undertake a like task, and feel confident that both the former and the future Revisers of the Statutes, will be the most lenient as they will be the most competent of my critics.

G. W. WICKSTEED.

Toronto, 28th January, 1856.

G. C. Duggan.

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Books to be kept open for inspection, *ib.*

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1 W. 4, c. 7—1831.

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2 W. 4, c. 7.

Titles derived through aliens not to be disturbed, s. 1.

Except that no actual possession or sale shall be affected, s. 2.

2 V. c. 20—1839.

Act 9 G. 4, c. 21, revived and time extended two years for taking the oath.

4, 5 V. c. 7—1841.

Aliens domiciled on the 10th February, 1841, and resident seven years before or after, to be deemed natural born subjects, s. 1.

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Duplicate books to be kept—one to be deposited with the registrar, s. 8.

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 Fees allowed on taking the oath, &c., s. 14.  
 Alien dying before taking the oath to be deemed a British subject as to real estate, s. 15.  
 Act not to affect the 54 G. 3, c. 9.  
 Persons entitled in either part of the province to be privileged in both parts, s. 17.  
 Aliens not to be disturbed in their possession if resident on 10th February and under sixteen years of age, s. 18.  
 Claims through aliens not to be disturbed if derived before the passing of this act, s. 19.  
 Other claims how to be dealt with, *ib.*  
 10, 11 V. c. 112—1847.  
 Time for taking the oath of allegiance extended.  
*The foregoing Acts are not expressly repealed—but seem superseded by the 12 V. c. 197 ; things done and rights acquired under them remaining valid. The 8 V. c. 107, is expressly repealed, but with the reservation of rights acquired under it. These Acts may still affect Titles to land, &c.*  
 12 V. c. 197—1849.  
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 Aliens resident before the 10th February, 1841, and their children to be deemed naturalized on taking the oath of allegiance, s. 2.  
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 Wives of British subjects or of naturalized parties to be deemed also naturalized subjects, s. 10.  
 Fees payable under the act, s. 11.  
 Aliens, generally, may hold and transmit real estate, as natural born subjects, s. 12.  
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7 W. 4, c. 3—1837.

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Other variances amendable at trial in certain cases, s. 15.

18 V. c. 92—1855.

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7 W. 4, c. 3—1837.

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*See* Pardon.

**ANATOMY,**

7 V. c. 5—1843.

For the encouragement of.

Persons found dead, publicly exposed, &c., or before death receiving public aid, if not claimed, &c., may be delivered up for anatomical purposes, s. 1.

Teachers of anatomy, &c., authorized to receive such bodies, s. 2.

Medical school (if any) to be preferred, *ib.*

Inspectors of anatomy to be appointed by the Governor, s. 3.

Inspectors' duties, s. 4.

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Register of such bodies to be kept by the superintendent, s. 7.

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Road allowance in township of Dumfries vested in him, 9 V. c. 100.

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46 G. 3, c. 3—1806.

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Such instruments to be deposited with person to be appointed by the Governor, s. 2.

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12 V. c. 63—1849.

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Judgment to be final in cases not exceeding £1000; in cases beyond, and in cases affecting future rights, &c., appeal to lie to the Queen in council, s. 46.

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13, 14 V. c. 51—1850.

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18 V. c. 123—1855.

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13, 14 V. c. 54—1850.

Given in all cases (not criminal) to the next general quarter sessions to be holden not less than twelve days after conviction, s. 1.

Notice of appeal to be given to the opposite party.

A jury to be empannelled at the request of either party, s. 2.

Appeal may be abandoned on terms, s. 3.

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33 G. 3 c. 8—1793.

To lie to court of probate, subject to certain conditions, s. 16.

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14, 15 V. c. 11—1851.

Parents and guardians may bind minors not under fourteen years of age, as apprentices, with consent of minor, s. 1.

The mayor or chief magistrate, &c., of any city or incorporated town authorized to bind apprentice orphan minors deserted by their parents, &c., s. 2.

Apprentices, how transferred in case of master's death, s. 3.

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Duties of apprentices, s. 5.

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The provisions of 13, 14 V. c. 54 respecting appeals to apply under this Act, s. 10.

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7 W. 4, c. 3—1837.

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Witnesses may be compelled to attend, s. 30.

**ARRAIGNMENT,**

3 W. 4, c. 3—1833.

Certain forms of, dispensed with, s. 17.

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49 G. 3, c. 4—1809.

Where made for more than is due, defendant entitled to costs, s. 1.

2 G. 4, c. 1—1822.

Not allowed without affidavit of debt, s. 8.

Allowed during pendency of action, and by judge's order, s. 14.

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7 W. 4, c. 3—1837.

Affidavit of, initial or contraction of christian name sufficient in certain cases, s. 9.

4, 5 V. c. 27—1841.

Arrest of any clergyman during divine service to be a misdemeanor, s. 23.

8 V. c. 48—1845.

No person to be arrested where cause of action shall not amount to £10, s. 44.

Affidavit to be first made by plaintiff, servant, or agent, *ib.*

Where party held to bail, no further affidavit necessary to sue out *ca. sa.*, *ib.*

Act to remain in force two years, &c., s. 47.

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14, 15 V. c. 77—1851.

Military pensioners enrolled as police force exempt from arrest for debt under £30, s. 4.

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3 W. 4, c. 3—1833.

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**ARSON,**

3 W. 4, c. 3—1833.

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Setting fire to any dwelling house, any person being resident therein, felony, punishable with death, s. 2.

Setting fire to any church, chapel or meeting-house or other buildings, felony, and how punishable, s. 3.

Setting fire to any stack of corn, grain, wood, &c., felony, and how punishable, s. 17.

10, 11 V. c. 4—1847.

Attempting to set fire to any building, felony, and when to be arson, s. 7.

12 V. c. 20—1849.

Setting fire to any school-house, lecture-room, seminary, college or building for education, or to any town-hall, &c. railroad station-house, mechanics' institute, hall or building of any association, to be felony, s. 3.

Punishment for, *ib.*

Owner need not be named in indictment, *ib.*

18 V. c. 92—1855.

Setting fire to any railway station, goods, &c., felony, s. 34.

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Description of barrels, s. 2.

Former licenses void from 1st January, 1855, s. 3.

Boards of Trade in Quebec, Montreal, Toronto, and Kingston and municipal authorities in other places where inspectors required, authorized to appoint boards of examiners, s. 4.

Mayor of said cities, and chief municipal officer of other places, to appoint one inspector, s. 5.

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- Inspectors to be examined before board of examiners, *ib.*  
 To give security, *ib.*  
 Bond to be kept at the office of the clerk of the municipality, s. 6.  
 Examiners may require the aid of other competent persons upon examination of candidates, s. 7.  
 Inspectors to take oath of office, s. 8.  
 Form of oath, *ib.*  
 Present inspectors to vacate on 1st January, 1855, but may be reappointed, s. 9.  
 Mode of inspecting, classifying and marking ashes, s. 10.  
 Qualities defined, to be marked accordingly, *ib.*  
 Unbrandable ashes, to be so marked, *ib.*  
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 Remuneration of inspectors, s. 13.  
 Inspectors' duties, *ib.*  
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 Montreal inspector, to have certain allowance for insurance, extra, *ib.*  
 Inspectors for Montreal and Quebec to appoint assistants, clerks, &c., s. 14.  
 Assistants to give security and take oath of office, *ib.*  
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 Such assistant inspector to be examined before the board, *ib.*  
 Inspectors and assistants trading in ashes, or permitting any cooper, &c., to retain any, or branding contrary to the act, or dating falsely any weigh note or bill of inspection, or delivering any without date, penalty for not exceeding £100, and disqualification, s. 17.  
 Bound to act when called upon, under penalty of £5, s. 18.  
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 Mode of settling disputes between inspector and proprietor as to quality of ashes, s. 20.  
 Inspection not obligatory, s. 21.  
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 Recovery and application of fines, s. 22.  
 Limitation of actions, s. 23.  
 Act to commence on 1st January, 1855.  
 18 V. c. 95—1855.  
 Word "packer" in section 21 of 18 V. c. 11 repealed, s. 1.  
 Penalty of £5 imposed for each offence of acting as inspector without authority, s. 2.

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- 4, 5 V. c. 25—1841.  
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4, 5 V. c. 27—1841.

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how punishable, s. 24.

With intent to commit felony, s. 25.

On peace officers in the execution of their duty, *ib.*

On any person to prevent the lawful arrest of the offender,  
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On any person, with intent to obstruct the buying or selling  
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Punishable on summary conviction before two justices, *ib.*

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4, 5 V. c. 27—1841.

Punishable on summary conviction before one justice, s. 27.

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Certificate, a bar to other proceedings, s. 28.

Offender may be discharged, on making satisfaction, s. 29.

Where felony intended, justice not to adjudicate, s. 30.

Nor in cases where title to land in question, *ib.*

Appeal given to quarter sessions, s. 33.

Appeals triable by jury, s. 34.

Proceedings upon summary conviction, s. 40.

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Plans to specify portions heretofore surveyed, s. 3.

Such portions to be liable to assessment from date of survey,  
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Penalty £200 for neglecting to make such return, and £100  
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Recovery and application of penalties, s. 6 and 7.

13, 14 V. c. 66—1850.

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If more than one quarter of an acre of land attached to any house or building, the overplus to be held as vacant land, the full value estimated, and six per cent. thereon deemed its yearly value, *ib.*

The yearly value of personal property to be calculated as 6 per cent. on actual value, *ib.*

No real property in cities, &c., to be assessed at a rental less than six per cent. on its full value, *ib.*

All taxes under this Act, or under the 12 V. c. 81, or any other Act, to be levied equally upon the whole real and personal property of the locality to be taxed, in proportion to the assessed value thereof, s. 13.

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One or more assessors may be appointed, in the discretion of the municipal council, s. 15.

Townships or cities, towns, &c., may be divided into assessment districts, and regulations made for governing assessors, s. 16.

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Assessors to give notice of assessment to residents: and to non-residents by post, s. 23.

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Time of holding the court of revision to be advertised by the clerk, *ib.*

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Parties dissatisfied with decision of the court of revision may appeal to the judge of the county court, s. 28.

Notice of such appeals to be published, *ib.*

The decision of such judge to be transmitted to the clerk of the municipality before the 15th July, *ib.*

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- Provision for commutation of, in cities and incorporated towns and villages, s. 35.
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- Council may alter the rates by by-law, *ib.*
- Payment of commutation under section 35 (as to cities, towns, &c.) may be enforced by distress or committal, s. 37.
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- Collector's duties on receiving rolls, s. 41.
- Taxes how levied in case of non-payment, s. 42.
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- Taxes recoverable by action, when, *ib.*
- To be a special lien on the land, *ib.*
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**ASSIZE AND NISI PRIUS,**

41 G. 3, c. 6—1801.

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7 W. 4, c. 1—1837.

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14, 15 V. c. 118—1851.

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54 G. 3, c. 14—1814.

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4 W. 4, c. 1—1834.

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4, 5 V. c. 17—1841.

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47 G. 3, c. 5—1807.

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55 G. 3, c. 3—1815.

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2 G. 4, c. 1—1822.

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2 G. 4, c. 5—1822.

Not to practise without five years' service under articles, s. 3.

4 W. 4, c. 9—1834.

Attorney General admitted to practise without serving under articles.

7 W. 4, c. 15—1837.

Practitioners from England, Scotland and Ireland, allowed to practise after three years' service under articles.

Graduates of certain universities after three years, service.

10, 11 V. c. 29—1847.

Graduates of Queen's College, Victoria College, or any other College in Upper Canada admissible after three years' clerkship, s. 1 and 2.

May be admitted although articles entered into before graduating, s. 3.

13, 14 V. c. 26—1850.

Advocates from Lower Canada and called as Barristers in Upper Canada may be admitted to practise as attornies or solicitors in the discretion of the court, s. 2.

16 V. c. 175—1853.

Attorney's bill of costs, delivery of, and taxation by party charged, s. 20 to 25.

18 V. c. 128—1855.

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4 W. 4, c. 9—1834.

Admitted to practice as an attorney without service under articles.

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4, 5 V. c. 24—1841.

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**BANK OF MONTREAL,**

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**BANK OF UPPER CANADA,**

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**BANKS, CHARTERED,**

4, 5 V. c. 99—Reserved Act—1841.

Chartered in one section of the province authorized to carry on their business in the other also.

13, 14 V. c. 22—1850.

Authorized to hold mortgages on real or personal property in certain cases, s. 1.

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14, 15 V. c. 70—1851.

May on consenting to restrict their issues to a certain amount obtain a remission of the tax imposed on bank notes by the 4, 5 V. c. 29, s. 1.

**BANKS, CHARTERED,**

Notwithstanding such restriction, the bank may issue a further amount of bank notes equal to the amount of specie or debentures held by the bank as its own property, s. 2.

Any bank availing itself of the next preceding section shall make up, and publish monthly, a statement verified on oath of its liabilities and assets under the penalty of £25 a day after default, and £200 for any false statement, s. 3.

16 V. c. 162—1853.

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**BANKS,**

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*See Supplement*, and the corporate names of the Banks respectively.

**BANK NOTES, DUTY ON,**

4, 5 V. c. 29—1841.

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13, 14 V. c. 21—1850.

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Unlawful bank notes to be void, s. 6.

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- Liability of shareholders limited, *ib.*
- Banks may hold lands, &c., necessary for their business, value not exceeding £12,500, s. 11.
- Company to be dissolved if not qualified within twelve months after articles filed, s. 12.
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- For what amounts, *ib.*
- Inspector general to deliver registered notes to an amount equal to deposit, to become notes of the bank, s. 14.
- Securities may be deposited from time to time and withdrawn on certain conditions, s. 15.
- As to bank notes returned to inspector general, s. 16.
- Proceedings upon bank failing to pay its notes in specie, s. 17.
- Notice to the bank, *ib.*
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- Receiver to be appointed: his powers in taking possession of bank property, *ib.*
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- Securities to be sold, *ib.*
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- Provision in case of his removal, *ib.*
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- Proceedings where bank voluntarily closed, s. 23.
- A list of all the partners, &c., to be kept constantly exposed in the bank, s. 24.
- Copies to be furnished to any person on application, *ib.*
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- Shares in, to be personal property and transferable, s. 26.
- Liabilities of joint-stock bank not to exceed three times the amount of capital, under a penalty of £100 per diem for excess, s. 27.
- Dividends not to impair the capital, s. 28.
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**BANKRUPTCY,**

32 G. 3, c. 1—1792.

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7 V. c. 10—1843.

Law established.—*Expired, except for certain special purposes only.*

9 V. c. 30—1846.

The 7 V. c. 10, 1843, amended, and continued to the 1st June next and the end of next session.

12 V. c. 18—1849.

For continuance of certain proceedings in.

18 V. c. 85—1855.

The above acts continued for certain special purposes till 1st January, 1856, and to the end of the then next session.

**BANKRUPTS,**

13, 14 V. c. 20—1850.

For relief of uncertificated bankrupts in certain cases.

18 V. c. 85—1855.

Act continued till 1st January, 1856, and to the end of the then next session.

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**BATHURST DISTRICT,**

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**BEDFORD, TOWNSHIP,**

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4, 5 V. c. 88—(Reserved Act)—1841.

To regulate the inspection of.

Certain former Acts repealed, s. 1.

Boards of examiners to be appointed, and how, s. 2.

Oath of office, *ib.*

Inspectors, how to be appointed, s. 3.

To furnish security, *ib.*

Where the Bond shall be kept, s. 4.

Examiners may be assisted by competent persons, s. 5.

Inspectors' oath, s. 6.

Present Inspectors continued, s. 7.

Assistant inspector, how appointed, s. 8.

To give security, take oath of office, &c., *ib.*

To hold office at pleasure of Inspector, s. 9.

Inspectors' duties, s. 10.

**BEEF AND PORK,**

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- Penalty on inspectors giving false bills of inspection, *ib.*
- Mode of branding, s. 12.
- Storage when not chargeable, s. 13.
- Provisions under inspector's charge not to be exposed, s. 14.
- Salt, barrels, &c. by whom furnished, s. 15.
- Disputes between inspector and owners how settled, s. 16.
- Penalty on inspectors refusing to act when called upon, s. 17.
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- Materials, size &c. of barrels, s. 19.
- Description of salt to be used, s. 20.
- Beef to be classed, how, as to quality, s. 21.
- Weight in each barrel, *ib.*
- Pork to be classed, how, &c., s. 22.
- Weight of meat in each barrel, *ib.*
- Inspectors not to be dealers, s. 23.
- Penalties on persons fraudulently erasing or altering brand marks, &c., s. 24.
- Barrels of, for exportation, without inspection to have certain marks, s. 25.
- Penalties how recovered and applied, s. 26.
- Limitation of actions, s. 27.
- Act to cease 1st January, 1848, s. 29.—(*But see below.*)
- 13, 14 V. c. 30—1850.
- None but inspectors or their assistants or owners to inspect beef or pork under penalty of £10, s. 10.
- Provision as to re-inspection, s. 2.
- In what cases only storage chargeable, s. 3.
- Act 4, 5 V. c. 88 as amended made permanent, s. 4.

**BEER-HOUSES,**

13, 14 V. c. 65—1850.

Municipalities authorized to make by-laws for regulating, s. 4.

**BELLEVILLE HOSPITAL RESERVE,**

May be granted to Town Council, 14, 15 V. c. 140.

**BENEFIT OF CLERGY,**

3 W. 4, c. 3—1833.

Abolished, s. 25.

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**BENEFIT SOCIETIES,**

*See* Associations Provident.

**BERESFORD, W. H.,**

Divorced from E. C. Lawrence, 16 V. c. 267.

**BEVERLY NAVIGATION COMPANY,**

Incorporated, 7 W. 4, c. 51.

**BEVERLY,**

Boundaries of lots in West Gore, established, 16 V. c. 230.  
Act continued and amended, 18 V. c. 173.

**BIGAMY,**

4, 5 V. c. 27—1841.

Principal and abettors in, to be guilty of felony, s. 22.

Punishment for, *ib.*Exceptional cases, *ib.***BILLIARD TABLES,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating, s. 60.

16 V. c. 184—1853.

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And for licensing same and fixing the duty, *ib.*And for imposing penalties for infraction, *ib.***BILLETING TROOPS, &c.***See Militia.***BILLS OF COSTS,**

16 V. c. 175—1853.

Attornies', to be delivered one month before action; proceedings on reference for taxation, &amp;c., s. 20 to 25.

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51 G. 3, c. 9—1811.

Ordinance of Quebec, 17 G. 3, repealed as to Upper Canada, s. 1.

2 G. 4, c. 12—1821.

Inland, for any sum, declared legal.

5 W. 4, c. 1—1835.

Costs recoverable in one suit only, and disbursement in the rest, s. 1.

Parties to, may be included in one suit, s. 2.

Defendants, in such cases, may plead separately, s. 3.

How judgment may be given in such cases, s. 5.

Rights of parties as against each other to remain and who may be witnesses, s. 8.

Liability of Executors of Defendants dying, s. 11.

Act not to extend to certain cases, s. 12. *But see* 13, 14 V. c. 59.

Suits may proceed though some of the defendants absent, s. 13.

7 W. 4, c. 3—1837.

Initial letter of christian name in affidavit to arrest on, and process, when sufficient, s. 9.

7 W. 4, c. 5—1837.

Accepted payable at a Bank, or other particular place, to be considered as payable generally, s. 1.

If words "and not elsewhere" added, to be a special acceptance, *ib.*

Acceptance of inland, must be in writing, s. 2.

Not to be void for usury, in the hands of *bonâ fide* holder for valuable consideration, s. 3.

3 V. c. 8—1840.

Several parties to, may be declared against in given form, s. 2.

In such case, defendants may set off, s. 3.

## BILLS OF EXCHANGE,

12 V. c. 76—1849.

Rates of damages upon protested bills, s. 1.

£10 per cent if drawn on Europe or West Indies, *ib.*£4 per cent on British North American Colonies or United States, *ib.*£6 per cent interest from date of protest, *ib.*

£4 per cent damages allowed on certain promissory notes payable in the United States, or Colonies, (except Canada) with 6 per cent interest from date of protest, s. 2.

How rate of Exchange ascertained in case of dispute, s. 3.

Inland bills or notes to bear interest from date of protest, s. 4.

Damages, &amp;c., recoverable though not specially mentioned in declaration, s. 5.

13, 14 V. c. 23—1850.

Fees on protesting bills, &amp;c., s. 1.

Officers of the bank not to act as notaries in, s. 3.

Certain days declared to be holidays. *But see* 14, 15 V. c. 94, *below*.Protests to be *prima facie* evidence in courts of the allegations contained therein, s. 6.

13, 14 V. c. 59—1850.

Repeal so much of the 5 W. 4, c. 1, as prevents that act from applying to notes, &amp;c., under £100.

14, 15 V. c. 94—1851.

Protests to be made on the day of dishonour, s. 1.

Notice of protest to be sent to each of the parties on day of protest, or next juridical day, s. 2.

Certain days to be non-juridical, viz.: Sunday—Christmas day—Good Friday—Easter Monday—Ash Wednesday—Fast or Thanksgiving day by Proclamation—Queen's Birth-day, and 1st January, *ib.*Bills of exchange not to be presented for acceptance on any non-juridical day; and bills and notes falling due upon any non-juridical day, to be presented the day *before*, s. 3. (*But now by* 18 V. c. 10, "the day after.")

Form of protest and notices, s. 4.

Notary's fees, s. 5.

*See also* Forgery.

## BINBROOK AND SALTFLEET,

For settling difficulties arising from erroneous survey, 1 W. 4, c. 8; 7 W. 4, c. 59.

## BISHOPS,

*See* Roman Catholic Bishops.

## BLOOD, CORRUPTION OF,

3 W. 4, c. 4—1833.

Taken away except in cases of high treason.

4 W. 4, c. 1—1834.

Not to affect tracing descent, except in a certain case, s. 9.

**BOARD OF AUDIT,**

*See* Public Accounts.

**BOARD OF HEALTH,**

*See* Public Health.

**BOARD OF REGISTRATION AND STATISTICS,**

*See* Census.

**BOARD OF PUBLIC INSTRUCTION,**

*See* Common Schools.

**BOARD OF WORKS,**

4, 5 V. c. 38—1841.

Act for establishment of, repealed by 9 V. c. 37, except the  
1st and 2d sections which relate to Lower Canada.

*See* Public Works.

**BODILY HARM,**

*See* Criminal Law amendment—Explosive Substances—  
Offences against the Person.

**BOND HEAD HARBOUR COMPANY,**

Incorporated, 1 V. c. 31.

**BONDS,**

5 W. 4, c. 1—1834.

To prevent multiplication of suits, s. 1.

Costs recoverable in one suit only, disbursements in the  
others, *ib.*

**BOUNDARY LINES,**

12 V. c. 35—1849.

Act 38, G. 3, c. 1, 1798, and other acts repealed, s. 1.

Boundary lines established under, to remain valid, *ib.*

Monument to be placed at the corner of each township and  
at the end of concessions; and lines drawn, as hereinafter  
prescribed, to be permanent, s. 26.

Monuments to be placed under direction of the commissioner  
of crown lands, s. 27.

Courses and lengths of boundary lines so established to be  
the true courses and lengths of boundary lines of said  
townships and concessions, s. 28.

Pulling down, defacing or removing monuments, to be felony,  
s. 29.

Defacing, altering or removing surveyor's land-mark, post or  
monument, to be a misdemeanor, *ib.*

Monuments not to be replaced except on application of mu-  
nicipal council of the district, s. 30.

Lines may be surveyed on application of one half of the  
resident freeholders in any concession, by application of  
district council to the Governor, at the cost of the pro-  
prietors, to be levied by assessment, s. 31.

Lines so surveyed to be permanent boundary lines, *ib.*

Expenses incurred to be paid by district treasurer on certifi-  
cate of Commissioner of crown lands, *ib.*

**BOUNDARY LINES,**

Lines so drawn to leave adjacent concessions a depth proportionate to original survey, *ib.*

Boundary lines of townships, &c., and side lines of lots surveyed, posts, or monuments placed at the front angles of any lots (under government authority), to be the true and unalterable boundaries of the same, s. 32.

Allowances for roads or streets in any city, &c., to be public highways, s. 33.

Where lands granted in blocks and subsequently surveyed, such surveys to be deemed original surveys, s. 34.

The course of the boundary lines of each concession, on the side from which the lots are numbered, to the course of division or side lines, s. 35.

**OTHER PROVISIONS RESPECTING SIDE LINES.**

What shall be considered the front of each concession where only a single row of posts has been planted, s. 36.

Where concessions surveyed with double fronts, s. 37.

Where alternate concession lines has been run in original survey, but with double fronts, the division or side lines how to be drawn, s. 38.

Duty of surveyor in running side lines, s. 39.

Provision made where original post or monument cannot be found (amended by 18 V. c. 83), s. 40.

Side lines, where to commence when patents embrace several lots, s. 44.

False swearing to be perjury, s. 48.

**BOUNDARY LINE COMMISSIONERS,**

7 V. c. 35—1843.

How Commissioners under expired Act of U. C. may recover their claims, s. 1.

Court or judge may order writ of execution, *ib.*

Parties indebted may plead, and proceedings thereon, s. 2.

Court or judge may settle question of costs, s. 3.

**BRADLY, W.,**

Road allowance in Caledonia vested in him, 12 V. c. 171.

**BRANT, PERTH AND WATERLOO,**

Provisions respecting, 16 V. c. 81.

**BRANTFORD AND HAMILTON ROAD,**

*See* Hamilton.

**BREAD, ASSIZE OF,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating, s. 60.

**BRIDGES,**

4, 5 V. c. 26—1841.

Destroying or rendering dangerous any bridge, to be felony s. 13.

8 V. c. 44—1845.

Penalty not less than 5s. nor more than 20s. for driving or riding at a faster rate than a walk over any public bridge exceeding thirty feet in length, s. 1.

Recoverable before any justice, s. 2.

**BRIDGES,**

Commitment of offender, in default of distress, not exceeding two days, *ib.*

Public notice of the Act to be put up at each end of the bridge, s. 3.

Penalty for defacing notice, s. 14.

9 V. c. 37—1846.

Management of, on which provincial funds expended transferred to the commissioners of public works, s. 7.

To be vested in Her Majesty, s. 23.

**BRIDGES IN UPPER CANADA MENTIONED IN THE SCHEDULE.**

The Union Suspension and other bridges over the Ottawa river between Bytown and Hull.

The Trent bridge at the mouth of the Trent.

The bridge at the Narrows of Lake Simcoe.

The Dunnville bridge.

The Brantford bridge.

The Paris bridge.

The Delaware bridge.

The Chatham bridge.

12 V. c. 5—1849.

Authorizing the sale and transfer of, s. 12.

*See also* Public Works.

**BRIDGES,**

12 V. c. 81—1849.

County Councils authorized to make by-laws for regulating the driving, &c., over bridges, s. 60.

4, 5 V. c. 26—1841.

Malicious injury to, made felony, s. 13.

**BRIDGES, GENERAL INCORPORATION OF, COMPANIES FOR CONSTRUCTING,**

*See* Roads and Bridges.

**BRIDGES,**

Private Acts granting authority to build, &c.

*See Supplement*, and the names of the parties so authorized.

**BRISTOWE, JOHN,**

Admission to practice, 2 V. c. 33.

**BRITISH AMERICA FIRE AND LIFE ASSURANCE CO.,**

Incorporated, 3 W. 4, c. 18.

Charter amended, 6 W. 4, c. 20.

Powers extended, &c., 6 V. c. 25; 14, 15 V. c. 40; 16 V. c. 68.

**BRITISH NORTH AMERICAN MINING COMPANY,**

Incorporated, 10, 11 V. c. 70.



**BRITISH AND CANADIAN MINING COMPANY OF LAKE SUPERIOR,**

Incorporated, 10, 11 V. c. 77.

**BRITISH NORTH AMERICAN ELECTRIC TELEGRAPH COMPANY,**

Incorporated, 10, 11 V. c. 82.

Charter amended, 13, 14 V. c. 119; 16 V. c. 111; 18 V. c. 208.

**BROCK DISTRICT,**

For the erection of, 7 W. 4, c. 30.

Act extended, 2 V. c. 29.

**BROCK MONUMENT,**

Building committee indemnified, &c., 16 V. c. 113.

**BROCKVILLE,**

Macadamization of certain roads from. *See* Johnstown district. Corporation may take certain land for a school, 9 V. c. 77.

**BROCKVILLE, ST. PETER'S CHURCH AT,**

Churchwardens empowered to sell certain land to build a parsonage, &c., 10, 11 V. c. 105.

**BROCKVILLE AND OTTAWA RAILWAY COMPANY,**

Incorporated, 16 V. c. 106.

Charter amended, 18 V. c. 181.

**BROCKVILLE GAS-LIGHT COMPANY,**

Incorporated, 16 V. c. 108.

**BRONTE HARBOUR COMPANY,**

Incorporated, 3 V. c. 33.

Act revived and extended, 9 V. c. 97.

**BUFFALO, BRANTFORD AND GODERICH RAILWAY CO.,**

Incorporation confirmed, &c., 16 V. c. 45.

**BUGGERY,**

4, 5 V. c. 27—1841.

Punishable with death, s. 15.

6 V. c. 5.

Assault with intent to commit, how punishable, s. 5.

**BUREAU OF AGRICULTURE,**

*See* Agriculture.

**BUILDINGS,**

4, 5 V. c. 25—1841.

Stealing, ripping or cutting with intent to steal, any glass or woodwork, or any lead, iron or other metal, or any utensil or fixture, any thing made of metal fixed in any land, or for a fence, to any dwelling-house, garden, &c., to be felony—punishable as simple larceny, s. 36.

*See also* Arson—Malicious Injury—Riot.

**BUILDINGS, PUBLIC,**

*See* Lunatic Asylum.

## BUILDING SOCIETIES,

9 V. c. 90—1846.

- How constituted, s. 1.
- Shares not to exceed £100 each, *ib.*
- Society may make rules, *ib.*
- Members not to receive interest till shares paid up, *ib.*
- Bonus paid by members not to be deemed usury, s. 2.
- Board of directors to be elected, s. 3.
- Term of office, *ib.*
- Rules of society to declare the purposes for which such society is established, s. 4.
- Moneys of the society to be applied according to, *ib.*
- Rules to be recorded in a book, s. 5.
- To be binding on members, s. 6.
- Rules to be altered, &c., at general meetings of the members only, and by a certain majority, s. 7.
- What such rules shall specify, s. 8.
- Directors to appoint officers, pay salaries and expenses, s. 9.
- Officers entrusted with money to give security, *ib.*
- Society may hold real estate on mortgage to secure payment of shares or loans, s. 10.
- May invest moneys in public stocks, &c., *ib.*
- Mode of proceeding in case of death or insolvency of any officer, s. 11.
- Property to be vested in the president and treasurer of society for the time being, s. 12.
- Who may bring suits, &c., *ib.*
- Secretary to be a competent witness, although treasurer, s. 13.
- President, &c., not to be responsible for the liabilities of the society, s. 14.
- Treasurer to provide statement of funds yearly, s. 15.
- Account to be attested by auditors, *ib.*

13, 14 V. c. 79—1850.

- Certain stipulations declared to be valid with respect to real estate, and the society authorized to enforce the same by foreclosure or by action, s. 1.
- Society may enforce the payment of any debt or demand as any other person or body corporate, s. 2.
- May declare shares forfeited, or sue for arrears, s. 3.
- Provisions of sec. 1 and 10 of former Act explained, s. 4.
- Co-partners and corporate bodies may be shareholders, *ib.*

## BURGLARY,

4, 5 V. c. 25—1841.

- With assault and intent to murder, made felony and punishable with death, s. 14.
- Other burglary, how punishable, s. 15.
- Breaking out, by felon, in the night time, to be burglary, s. 16.
- Night to commence at nine in the evening and conclude at six in the morning, *ib.*
- What buildings only shall be deemed part of the dwelling-house in capital offences, s. 18.

**BURGLARY,**

18 Y. c. 92—1855.

Punishment of persons found by night armed, or having instruments for housebreaking, or disguised in any house, s. 28.

**BURLINGTON BAY CANAL LIGHT,**

Yearly sum granted for keeping, 3 W. 4, c. 36.

**BURLINGTON LADIES' ACADEMY,**

Incorporated, 14, 15 V. c. 166.

**BURLINGTON BAY, DRY DOCK AND SHIP-BUILDING COMPANY,**

Incorporated, 10, 11 V. c. 84.

Act declared in force, 16 V. c. 112.

**BURNING IN THE HAND,**

40 G. 3, c. 1—1800.

Other punishment substituted for, s. 3.

**BYTOWN,**

Effect of disallowance of act of incorporation, 13, 14 V. c. 82.

Name changed to City of Ottawa, 18 V. c. 23.

**BYTOWN AND BRITANNIA RAILWAY COMPANY,**

Incorporated, 10, 11 V. c. 118.

**BYTOWN AND MONTREAL TELEGRAPH COMPANY,**

Incorporated, 13, 14 V. c. 120.

**BYTOWN AND PRESCOTT RAILWAY COMPANY,**

Incorporated, 13, 14 V. c. 132.

Charter amended, 14, 15 V. c. 147; 16 V. c. 52, 53.

Charter again amended and name changed to City of Ottawa and Prescott Railway Company, 18 V. c. 188.

**BYTOWN AND PEMBROKE RAILWAY COMPANY,**

Incorporated, 16 V. c. 137.

## C A L

**CALDWELL, SIR J.**

7 V. c. 26—1843.

To secure the province against loss on sale of his property.

**CALEDONIA SPRINGS COMPANY,**

Incorporated, 7 W. 4, c. 55.

**CALEDONIA BRIDGE COMPANY,**

Incorporated, 4, 5 V. c. 79.

**CALVINISTIC BAPTIST CHURCH AT PERTH,**

See Perth.

**CAMDEN,**

*See* Chatham and Camden.

**CANADA GAZETTE,**

12 V. c. 26—1849.

Certain legal and official advertisements to be inserted in,  
s. 1.

**CANADA BAPTIST MISSIONARY SOCIETY,**

Incorporated, 8 V. c. 102.

**CANADA COMPANY,**

May make a harbour at Goderich, 7 W. 4, c. 50.

**CANADA COPPER COMPANY,**

Incorporated, 18 V. c. 51.

**CANADA FIRE ASSURANCE COMPANY,**

Incorporated, 4, 5 V. c. 57.

**CANADA GUARANTEE COMPANY,**

Incorporated, 14, 15 V. c. 36.

**CANADA INLAND FORWARDING AND INSURANCE CO.,**

Enabled to sue for debts, 7 V. c. 59.

**CANADA LIFE INSURANCE COMPANY,**

Incorporated, 12 V. c. 168.

**CANADA MINING COMPANY,**

Incorporated, 10, 11 V. c. 75.

**CANADA OCEAN STEAM NAVIGATION COMPANY,**

Incorporated, 18 V. c. 45.

**CANADA ORE DRESSING COMPANY,**

Incorporated, 18 V. c. 219.

**CANADA POWDER COMPANY,**

Incorporated, 18 V. c. 223.

**CANADA WEST FARMERS' MUTUAL AND STOCK INSURANCE COMPANY,**

Incorporated, 14, 15 V. c. 163.

**CANADIAN STEAM NAVIGATION COMPANY,**

Incorporated, 16 V. c. 131.

**CANADIAN LOAN COMPANY,**

Incorporated, 16 V. c. 238.

**CANALS,**

4, 5 V. c. 26—1841.

Malicious injury to any bank, or wall, &c. of any lock, sluice flood-gate, or other work upon, felony, s. 12.

Unlawfully and maliciously opening any flood-gate or maliciously obstructing the navigation in, felony, ~~ib.~~

## CANALS,

10, 11 V. c. 31—1847.

Governor in council authorized to make regulations for passing goods in bond through the provincial canals, s. 50.  
 Forfeiture for contravention, *ib.*

*See also* Welland—St. Lawrence—Public Works.

## CANBORO' AND SIMCOE ROAD,

For imposing a tax on lands adjoining it, 4 W. 4, c. 56.

## CAPITAL OFFENCES,

3 W. 4, c. 3—1833.

To reduce the number of, and otherwise amend the Criminal Law.

High Treason, s. 1.

Rescuing murderers, s. 4.

Robbing the Mail, s. 8.

*Sections 2, 3, 5, 6, 7, 9, 10, 11 and 12, though not expressly repealed, seem in effect superseded by 4, 5 V. c. 25, 26 and 27, which see.*

Riot, s. 13.

Setting fire to H. M. ships, corresponding with the enemy, s. 14.

Persons confessing or outlawed, punishable as if convicted, s. 16.

Sentence for High Treason mitigated, s. 19.

4, 5 V. c. 24—1841.

What felonies only shall be so deemed, s. 20.

*See* Criminal Law—Murder—Convict, &c.

## CAPIAS AD SATISFACIENDUM,

2 G. 4, c. 1—1822.

How and when may be issued, s. 15.

5 W. 4, c. 3—1835.

Not to be issued for costs only, s. 2.

Nor unless judgment for £10 exclusive of costs, *ib.*

12 V. c. 68—1849.

Deputy clerks of the Crown authorized to issue, s. 1.

## CARNAL KNOWLEDGE,

4, 5 V. c. 27—1841.

Of a girl under 10 years of age, felony, punishable with death, s. 17.

Of a girl above ten years, and under twelve, a misdemeanor, and how punishable, s. *ib.*

What shall be sufficient proof of, s. 18.

## CARRIER,

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## CARILLON AND GRENVILLE RAILWAY COMPANY,

Incorporated, 10, 11 V. c. 119.

## CARLETON COUNTY,

Divided, 4 G. 4, c.

**CARLETON COUNTY GENERAL PROTESTANT HOSPITAL,**

Trustees of, incorporated, 14, 15 V. c. 33.

**CARROL, JAMES,**

Militia pension granted to, 4 G. 4, c. 28.

**CARRUTHERS, F. F.,**

Admission as attorney, &c., in U. C., 10, 11 V. c. 108.

**CARTWRIGHT, R.,**

Enabled to surrender certain lands at Kingston to the Crown,  
58 G. 3, c. 3.

**CATARAQUI BRIDGE COMPANY,**

Incorporated, 8 G. 4, c. 12.

Charter amended, 10 G. 4, c. 16 ; 7 V. c. 60.

**CATARAQUI CEMETERY COMPANY,**

Incorporated, 13, 14 V. c. 140.

**CATARAQUI AND PETERBORO' RAILWAY COMPANY,**

Incorporated, 16 V. c. 135.

**CATTLE**

4, 5 V. c. 25—1841.

Stealing, or killing with intent to steal carcase, to be felony,  
and how punishable, s. 29.

4, 5 V. c. 26—1841.

Maliciously killing or maiming, felony, s. 16.

**CATTLE RUNNING AT LARGE,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for restraining,  
&c., s. 31.

**CAYUGA (TOWN),**

Part of street closed, 14, 15 V. c. 30.

**CAYUGA (TOWNSHIP),**

Divided, 12 V. c. 98.

**CAYUGA BRIDGE COMPANY,**

Incorporated, 6 W. 4, c. 10.

**CAYUGA GLASS MANUFACTURING COMPANY,**

Incorporated, 5 W. 4, c. 18.

**CAYUGA ROAD,**

Grant for improving 2 V. c. 48.

**CEMETERY COMPANIES,**

13, 14 V. c. 76—1850.

Any number of persons not less than twenty may form a  
company, s. 1.

To be a body corporate, s. 2.

**CEMETERY COMPANIES,**

Property of, to be managed by nine directors elected by ballot, s. 3.

Cemetery lot to contain not less than one hundred superficial feet, s. 4.

Power to elect a president and make by-laws, s. 5.

Real estate of company exempt from taxation, s. 6.

Application of the proceed of sales, *ib.*

No dividends allowed, *ib.*

Graves to be furnished *gratis* for strangers and to the poor, s. 7.

Lots to be conveyed in the form of schedule, s. 8.

Penalty on persons defacing tombstones, &c., s. 9.

Funerals to be conducted in a decent and solemn manner, s. 10.

Interment not to be in any vault of a chapel or building, nor within fifteen feet of any wall thereof, s. 11.

Cemetery to be enclosed, s. 12.

Company to make sewers, s. 14.

Penalty on company contaminating any river, &c., s. 15.

Recovery and application of penalties, s. 16.

Damages recoverable in addition, s. 17.

Directors may call for instalments, s. 18.

Form of Deed of Association, Schedule A.

Of Deed of lot, Schedule B.

**CEMETERIES,**

13, 14 V. c. 77—1850.

Inhabitants of any township, or locality, being ten or more, may appoint trustees, and take conveyance of land for burial purposes, not exceeding ten acres.

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating, s. 60.

**CENSUS AND STATISTICS,**

10, 11 V. c. 14—1847.

Board of registration and statistics constituted, s. 2.

Duties of the board, s. 3.

A secretary to be appointed by the Governor, s. 4.

Sections 5 and 15 are repealed by 14, 15 V. c. 49.

Clergymen and ministers required to keep a registry of baptisms, marriages and burials, and transmit same to the clerk of the peace, quarterly, (*now yearly, see below*) s. 16.

Heads of families, where no resident clergyman, required to notify any birth, &c., to township clerk, who shall forward same to the clerk of the peace, s. 17.

Clerk of the peace to forward returns to the board on or before the 1st January, yearly, s. 18.

Coroners, also, to return a list of inquests to the board, yearly, s. 19.

Clerks of the peace required to furnish to the board lists of all convictions, &c., at such periods as the board shall appoint, s. 20.

Offences against the Act, how punishable, s. 21.

## CENSUS AND STATISTICS,

12 V. c. 90—1849.

The returns required by the 16th section of the above Act,  
to be made once a year only instead of quarterly, s. 1.

14, 15 V. c. 49—1851.

Census of the province to be taken in January, 1852, January,  
1861, and every tenth year afterwards, s. 2.

To be taken under the superintendence of the board, s. 3.

What information may be required, s. 4.

A census commissioner to be appointed by the Governor in  
every county, &c., s. 5.

Census Commissioners to appoint enumerators, s. 6.

Enumerators to act under their instruction and direction, s. 7.

Enumerators' duties, s. 8.

Duties of the commissioners, and of the board, on receiving  
returns, ss. 9, 10.

Enumerators to be furnished with printed schedules; to be  
left at each house the first week in January, s. 11.

Occupants to fill up same under a certain penalty for neglect,  
*ib.*

Enumerators to collect same on the second Monday in  
January, correct them if defective, and afterwards deliver  
them to the commissioners, s. 12.

Enumerators empowered to question parties, s. 13.

Penalty for answering falsely, &c., *ib.*

Penalties how recoverable, s. 14.

Any commissioner or enumerator contravening the act, or  
making false return &c. to be guilty of misdemeanor,  
punishable by fine not exceeding £25, s. 15.

Power to appoint to include power to remove any officer  
under this Act, s. 16.

What shall be evidence of appointment or removal, *ib.*

Allowance to census officers, s. 17.

Report to be laid before parliament, s. 18.

Interpretation clause, 3, 19.

Governor may alter the month for taking census in any  
county, in case of necessity, s. 20.

## CESTUIQUE TRUST,

4 W. 4, c. 1—1834.

Not to be deemed tenant at will in certain cases, s. 19.

## CHALLENGE OF JURY,

3 W. 4, c. 3—1833.

Above the legal number to be void, s. 18.

4, 5 V. c. 24—1841.

Restricted to legal number in treason, felony and piracy,  
s. 16.

*See also* Jurors.

## CHAMBERLAIN OF CITY,

12 V. c. 81—1849.

To be appointed by the municipality, s. 171.

Duties of, s. 172, *as amended by* 13, 14 V. c. 64.



## CHAMBERLAIN OF CITY,

Duration of office, s. 173.

Books, papers, and moneys, &c. to be the property of the municipality, s. 174.

Fraudulent embezzlement of, how punishable, *ib.*

16 V. c. 182—1853.

To give security, s. 76.

To be accountable to the Crown for moneys raised under the Public Building Act (13, 14 V. c. 68) s. 83.

## CHANCERY, COURT OF,

7 W 4, c. 2—1837.

Established, s. 1.

Jurisdiction and power of the court, s. 2, 3.

Practice, how to be regulated, s. 4.

Witnesses in, to be examined *viva voce*, s. 5.

Rules of decision to be the same as in England, s. 6.

Moneys, how to be invested, s. 7.

Officers of, s. 9.

Masters extraordinary and examiners, how appointed, s. 10.

Authority of, in cases of mortgage, s. 11.

Practitioners in, s. 12.

Common gaols to be prisons of, s. 14.

False swearing to be perjury, s. 15.

Seal of the Court, s. 18.

Duties of officers to be regulated by the Court, s. 19.

Oath of office, s. 20.

Six English or Irish solicitors to be admitted, s. 22.

Solicitors' fees, s. 23 and Schedule.

1 V. c. 14—1838.

Vice-chancellor and judges of Queen's bench to settle fees in Chancery, s. 1. ?

Fees not to exceed those under former Act, s. 2.

Judges of district courts may administer oaths to masters extraordinary, s. 3.

3 V. c. 1—1840.

Commissioners to be appointed to regulate practice and costs in.

9 V. c. 10—1846.

Court to have the same power in lunacy as the Lord Chancellor of England, s. 1.

Traversing inquisition, &c., mode of proceeding, s. 2.

When right to traverse barred, s. 3.

Court may order new trial on verdict returned upon a traverse, s. 4.

Committees to find sureties, s. 5.

Inventory of lunatics' real and personal estate to be filed, s. 6.

Provision for payment of lunatics' debts by sale of real estate, if personalty insufficient, s. 7.

Provision for the support of lunatic and his family, s. 8.

Provision in case of mortgaged estates, s. 9.

“ as to lunatics' trust estate, s. 10.

Conveyances, &c., under order of court, to be valid, s. 11.

## CHANCERY COURT OF,

Court may compel specific performance of contracts by lunatics, made while of sound mind, s. 12.

Costs in lunacy, how to be paid, s. 13.

Common gaols in Upper Canada to be prisons for the purposes of this Act, and sheriffs, &c., required to obey, s. 14.

12 V. c. 64—1849.

Court hereafter to be composed of a chancellor and two vice-chancellors, s. 1.

To be appointed by letters patent, and hold office during pleasure, ss. 2, 3.

Salaries of the judges fixed, and how paid, s. 4.

Annuity upon resignation to be equal to two thirds of fixed salary, s. 5.

Oath of office, s. 6.

Sittings of the Court, where, and who shall preside, s. 7.

Powers of Courts to be as before, s. 8.

All laws, orders and authorities touching practice, &c., to remain in force till rescinded, s. 9.

Court may try the validity of wills, s. 10.

Judges empowered to make, rescind, or alter rules, &c., s. 11.

Registrar to be appointed by letters patent, 12.

Registrar to appoint a clerk subject to the approval of the judges, *ib.*

Salaries of master, registrar, and clerk fixed, and how payable, *ib.*

Fees to go to the province, s. 13.

Master and registrar to render quarterly accounts to inspector general, and pay over the amount to the receiver general within ten days after, s. 14.

13, 14 V. c. 50—1850.

Court authorized to appoint masters and deputy registrars in such localities as they may think proper, s. 1.

Masters and registrars to account for and pay over one half of their emoluments to receiver general, s. 2.

Master in ordinary authorized to appoint a clerk at a fixed salary, s. 3.

Power vested in the court for the partition of estates held in joint tenancy, &c., s. 4.

Proceedings in partition, s. 5.

Effect of sales or partitions made by the court, s. 6.

Guardians may execute conveyances in suits for partition on behalf of their wards, s. 8.

Court may order sale when lands cannot be conveniently divided, s. 9.

Rules touching partitions made to be made under 12 V. c. 64, *ib.*

14, 15 V. c. 113—1851.

Decrees against absent defendants under old orders confirmed, s. 1.

Pending suits against, may be completed, s. 2.

Right of appeal saved, s. 3.

Defendant may petition for re-hearing within two years, s. 4.

**CHANCERY COURT OF,**

Sales under decrees against, not to be affected, but defendant may file a bill for an account, s. 5.

Copy of orders confirmed by this Act, Schedule A.

12 V. c. 63—1849.

Appeal from the court of chancery given to the court of error and appeal, s. 40.

18 V. c. 124—1855. (Dormant Equities.)

Preamble referring to mortgages that had become absolute at law before the Act for establishing the court.

No title to be henceforward disturbed by reason of any matter or ground which arose before the passing of the Act establishing the Court, unless in case of actual and positive fraud, s. 1.

Other equities before said Act to be subject to the order and decree of the court, s. 2.

Provided suit brought within twenty years, *ib.*

This Act not to apply to suits pending, s. 3.

*See also* Appeal and Error.

**CHARITABLE ASSOCIATIONS,**

*See* Associations, Provident.

**CHARTERED BANKS,**

*See* Banks, chartered.

**CHATHAM, TOWN,**

Error in letters patent of two lots, remedied, 13, 14 V. c. 87.

Board of school trustees enabled to dispose of a certain land, 18 V. c. 27.

**CHATHAM AND CAMDEN,**

To establish boundary lines of lots on River Thames, 7 W. 4, c. 58.

**CHATTEL INTEREST,**

14, 15 V. c. 7—1851.

Assignment of, in tenements or hereditaments, void, unless by deed, s. 4.

**CHATELS, MORTGAGES, AND SALES OF,**

12 V. c. 74—1849.

Not accompanied by immediate possession, &c., to be void against subsequent purchasers and creditors, unless the same (or a copy), with affidavit of execution, be filed in the office of the clerk of the district court where mortgagor resides, or in certain cases where the property is, s. 1, 2.

Filing to be renewed thirty days before expiration of year, with statement of mortgagee's interest, otherwise security to be void as against subsequent purchasers, &c., s. 3.

Copies of mortgages filed, certified by clerk of the court, to be evidence of filing, s. 4.

Clerks of district courts, to number instruments filed, s. 5.

Act not to apply to mortgages of vessels registered under 8 V. c. 5, s. 6.

**CHATELS, MORTGAGES, AND SALES OF,**

Fees on registering, s. 7.

13, 14 V. c. 62—1850.

Section 1 of 12 V. c. 74, amended by declaring that any sale of goods not accompanied by immediate delivery and change of possession shall be within the act, and that mortgages and conveyances shall be accompanied with affidavit of the mortgagee or bargainee of the *bona fide* nature of such instrument, otherwise to be void as against creditors, &c.

**CHEATS,**

*See* False Pretences.

**CHEMICAL PURPOSES, JOINT STOCK COMPANIES FOR,**

*See* Manufacturing.

**CHILD STEALING,**

3, 4 V. c. 27—1841.

With intent to deprive the parent &c. of the possession, or with intent to steal any article upon ; harbouring or receiving any such child, to be felony, s. 21.

Fathers of illegitimate children excepted, *ib.*

**CHILDREN ILLEGITIMATE,**

7 W. 4, c. 8—1837.

Father of, liable for necessities, s. 4.

**CHILDREN, ORPHANS,**

39 G. 3, c. 3—1799.

Town wardens of townships, with approbation of two justices, may bind apprentice, s. 1. *Query as to Town Reeves, now?*

Power given to the mother to apprentice where child abandoned by the father, s. 2.

Town-wardens not to act, where the relations are willing to support, s. 3.

Children above fourteen years not to be bound without consent, s. 4.

*See* Apprentices and Minors.

**CHISHOLM, W.,**

*See* Oakville Harbour.

**CHLOROFORM,**

18 V. c. 92—1855.

Administering with intent to commit felony, to be felony, and how punishable, s. 29.

**CHRISTIAN NAME,**

7 W. 4, c. 3—1837.

Initial, or contraction of, allowed in actions on written instruments in certain cases, s. 9.

## CHURCHES AND CHAPELS,

3 W. 4, c. 3—1833.

Within the provisions of the riot act, although not **certified** or registered, s. 13.

*See* Sacrilege—Malicious Injury.

Lands held for. *See* Religious Societies.

## CHURCH OF ENGLAND,

3 V. c. 74—1840.

For managing temporalities of.

Freehold of church to vest in parson or incumbent, s. 1.

Pewholders to form a vestry, s. 2.

Ordinary meetings and proceedings of vestry, s. 3.

Office and powers of churchwardens, ss. 4, 5, 6.

Pews in churches, and rights of pewholders, ss. 7, 8.

Churchwardens' accounts, s. 9.

Extraordinary meetings of vestry, how called, s. 10.

Who to be chairman of vestry, s. 11.

Regulation of pew rents, s. 12.

Subordinate servants, how to be appointed, s. 13.

Fees, how regulated, s. 14.

Vestry to have power to make by-laws, s. 15.

Grants of land, &c., for church uses, to be valid, s. 16.

Endowments of churches, s. 17.

No spiritual jurisdiction to be conferred by the Act, s. 18.

## CHURCH OF ENGLAND SOCIETY,

Incorporation of, by the name of the "Church Society of the Diocese of Toronto." 7 V. c. 68—1843.

## CHURCH WARDENS,

3 V. c. 74—1840.

How and when elected, s. 3.

Who eligible, s. 4.

Term of office, s. 5.

Powers of, s. 6.

Accounts &c. of, s. 9.

## CHURCH, CAPTAIN,

*See* MacNabb and Church.

## CHURCH SOCIETIES IN DIOCESES OF QUEBEC AND TORONTO,

Incorporated, 7 V. c. 68.

## CITIES,

12 V. c. 81—1849.

As amended by 13, 14 V. c. 64, and 16 V. c. 181.

*NOTE.—The amended clauses are noted by a \* prefixed to the sections amended by the first Act, and two \* to those amended by the last.*

Cities named in schedule C. to be incorporated under the name of the "Mayor, Aldermen and Commonalty" of such city, s. 82.

## CITIES,

•• Two aldermen, and two councillors to be elected for each ward, to be elected as in said act (12 V. c. 81) provided with respect to town councillors, *New section substituted for s. 83, by 16 V. c. 181, s. 18.*

Such aldermen and councillors to constitute the common council of such city, with the same right and powers as belong to incorporated towns, and all the provisions of this act as applied to incorporated towns &c., to apply to cities &c. *ib.*

Mayor of city to be elected from among the aldermen: *ib.*

Aldermen to be freeholders, or householders rated on the collector's roll for the year next preceding the election, in the case of a freeholder to the amount of £40 per annum, and the case of a householder to the amount of £80 per annum, *ib.*

Electors to be resident freeholders and householders rated as proprietors or tenants to the amount of £7 10s, *ib.*

No person to vote at more than one ward, and only in the ward where he resides, *ib.*

Towns having more than 10,000 inhabitants, may be erected into cities by proclamation, and bounded, and divided into wards if necessary, *New section substituted for s. 84, by 16 V. c. 181, s. 19.*

Provision for redivision when necessary, *ib.*

And for addition of parts of adjacent townships, *ib.*

Incorporated cities to be counties for all municipal and judicial purposes, but this shall not exclude county councils from holding their sittings &c. within such cities, s. 85.

Justices of the peace for counties not to have jurisdiction in cities, except holding general quarter sessions, and indorsing warrants, s. 86.

• Aldermen of cities to be justices of the peace within them, and other commissions to cease, s. 87.

• A chief constable and high bailiff to be appointed, and such appointment may be united in one person, s. 88.

City liberties may be made outer wards, s. 89.

Outer wards may be annexed to the city, and when, s. 90.

Such ward to be then a ward of the city, with all incidents, s. 91.

County gaol, &c., to be the gaol of the city, s. 92.

• A recorder's court may be established in each city besides a police office and police magistrate, s. 93.

Recorder's court to hold four sessions in each year, commencing on the first Monday in January, April, July and November, *New section substituted for s. 94 by 16 V. c. 181, s. 21.*

• Inhabitants of cities exempt from serving on juries, except in city courts, trials at bar, and courts of assize, s. 95.

Grand jury of recorder's court, how composed, s. 96.

Petit jury, how composed, s. 97.

Residents of cities and liberties only, to sit on such juries, s. 98.

Grand jury, jurisdiction of, s. 99.

Process, proceedings and powers to be the same as at general quarter sessions, s. 100.

**CITIES,**

Costs of prosecution to be paid out of city funds, on defendants' acquittal, upon reasonable cause of prosecution, s. 101.

Recorder may suspend high bailiff, chief constable, &c., and appoint others *pro tem.*, s. 102.

Clerk of common council, or such person as the corporation may appoint, to be clerk of the recorder's court, *New section substituted for* s. 103, by 16 V. c. 181, s. 21.

Recorder to be a barrister of five years' standing and appointed by the crown, and, *ex officio*, a justice of the peace for the city, s. 104.

Recorder's salary payable out of city funds, *ib.*

Office of recorder and police magistrate may be united, s. 105.

Common council to have the same powers as town councils, s. 106.

May make by-laws for certain purposes, s. 107.

Schedule C. comprises Hamilton—Kingston—Toronto. Bytown has since been made the city of Ottawa, by 18 V. c. 23.

16 V. c. 181—1853.

Cities authorized to make by-laws for:—1. Drainage; 2. Special assessments; 3. Granting powers to gas and water companies; 4. Subscribing for stock therein, s. 15. Statute labor, provision for commutation, s. 16.

**CITY OF TORONTO GAS-LIGHT COMPANY,**

Incorporated, 6 W. 4. c. 9.

**CITY OF TORONTO GAS-LIGHT AND WATER COMPANY,**

Incorporated, 4, 5 V. c. 65.

Charter amended, 8 V. c. 85.

Charter amended and name changed, &c., 16 V. c. 109.

**CITY OF TORONTO AND LAKE HURON RAILROAD CO.,**

Incorporated, 6 W. 4, c. 5.

Provincial aid to, 7 W. 4, c. 60, 63.

Act of U. C. amended, 8 V. c. 83; 9 V. c. 111; 10, 11 V. c. 66.

**CITY OF KINGSTON GAS-LIGHT COMPANY,**

Incorporated, 11 V. c. 13.

**CITY OF KINGSTON WATER WORKS COMPANY,**

Incorporated, 12 V. c. 158.

Charter amended, 14, 15 V. c. 37, and again by 18 V. c. 217.

**CITY BANK,**

Charter amended, &c., 4, 5 V. c. 97; 10, 11 V. c. 116; 12 V. c. 185; and again, and capital increased, 18 V. c. 41.

**CIVIL LIST, GRANTED,**

9 V. c. 114—1846.

Duties and revenues under control of the province to form consolidated revenue fund, s. 1.

**CIVIL LIST, GRANTED,**

- To what charges the said fund shall be subject, s. 2.
- Sums in schedule A. granted to the Crown for ever, and those in schedule B. for Her Majesty's life and five years afterwards, s. 3.
- Salaries payable to present incumbents of offices named in schedules and those payable to their successors, distinguished, s. 4.
- To what extent the appropriations in schedules may be varied, s. 5.
- Hereditary revenues surrendered to the province while the sums in schedules are payable, s. 6.
- Charges on Consolidated Revenue Fund under provincial acts not to be affected, s. 7.
- Legislative Assembly not to vote money except on recommendation of the Governor, s. 8.
- Act not to have force until sections 50 to 57 of the Union Act are repealed, s. 9. (*which was done by Imp. Act 10, 11 V. c. 71.*)
- Schedules A. and B.

14, 15 V. c. 173—1851.

The foregoing act amended and certain salaries mentioned in the schedules reduced.

18 V. c. 89—1855.

The said act (9 V. c. 114) again amended, and the salaries of judicial and executive officers raised ; with power to the Executive Government to raise the salaries of public officers generally with certain limits.

**CIVIL RIGHTS,**

32 G. 3, c. 1—1793.

- French laws of Canada abolished in U. C., s. 1.
- Except as regards rights already acquired, s. 2.
- To be decided by the law of England, s. 3.
- English rules of evidence established, s. 5.

**CIVIL SUITS,**

32 G. 3, c. 2—1793.

Trial by Jury established in, s. 1.

2 G. 4, c. 1—1822.

Award of costs to be regulated by law of England, s. 38.  
*See Action—Bills of Exchange—Costs, &c. and Supplement.*

**CLAIMS OF GOVERNMENT ON COMPANIES,**

13, 14 V. c. 71—1850.

- For loans to companies for works, act for disposal of.
- Governor may assign such claims, and how.
- Evidence of assignment.
- Municipal corporations may purchase such claims.

**CLARKE, THOMAS,**

For relief of his estate, 6 V. c. 28.



**CLERGY,**

37 G. 3, c. 14—1797.

The word "clergy" intended to be meant by the word "clergyman" in certain deeds of land.

Such deeds to be valid in securing the rights of the crown, of the clergy, and of the subject, respectively.

**CLERGYMEN,**

4, 5 V. c. 27—1841.

Arresting of, during divine service, &c., to be a misdemeanor, s. 22.

8 V. c. 9—1845.

Indemnified for having voted at elections.

8 V. c. 10—1845.

May vote at elections.

18 V. c. 77—1855.

Exempt from militia service, s. 7.

**CLERGY RESERVES,**

18 V. c. 2—1854.

Preamble reciting Imperial Acts.

Proceeds of, to form separate municipal funds, one for Upper Canada and one for Lower Canada, s. 1.

Each fund to comprise the proceeds, &c., of the Reserves in that section of the Province to which it belongs, *ib.*

Moneys to be paid to receiver general, *ib.*

Annual stipends and allowances charged on, before the last Imperial Act, to continue payable during the lives of present incumbents, s. 2.

Annual allowance to the Roman Catholic church in Upper Canada, and to the British Wesleyan church for Indian missions, to be payable for twenty years after this Act, *ib.*

Provincial government authorized, with consent of parties, to commute such stipends, &c., for their value in money, s. 3.

Commutation with said religious bodies or denominations not to be vested in land, *ib.*

A sufficient amount to be retained by receiver general for payment of stipends while chargeable, with power to invest, s. 4.

Unappropriated balance to be divided among the several municipalities in each section, according to population, s. 5.

Receiver general authorized to retain sufficient to pay any outstanding claim of government against the municipalities, *ib.*

Limitation of annual sale of clergy reserves, by Imperial Act 3, 4 V. c. 78, repealed, s. 6.

What lands shall be deemed clergy reserves, s. 7.

See also Imperial Acts, 31 G. 3, c. 31; 7, 8 G. 4, c. 62; 3, 4 V. c. 78; 16 V. c. 21.

**CLERKS AND SERVANTS,**

4, 5 V. c. 25—1841.

Stealing by, how punishable, s. 38.

**CLERKS AND SERVANTS,**

Embezzling money, &c., received by them on their master's account, to be felony, s. 39.

**CLERKS OF ASSIZE,**

14, 15 V. c. 118—1851.

Deputy clerks of the crown to be *ex officio* clerks of assize, s. 1.

Allowance for their attendance, s. 3.

**CLERK OF THE CROWN,**

2 G. 4, c. 1—1822.

To have an office in each district, s. 32.

8 V. c. 36—1845.

To supply his deputies with original writs of mesne and final process, s. 5.

12 V. c. 63—1849.

To be paid a fixed salary in lieu of fees, s. 13.

16 V. c. 175—1853.

To supply deputies with blank certificates of entry of judgment, s. 1.

**CLERKS OF THE PEACE,**

38 G. 3, c. 4—1798.

Certificates of licenses to celebrate marriages to be published by, s. 3.

40 G. 3, c. 1—1800.

To furnish certificates of indictment, pardon, &c., *gratis*, to courts of oyer and terminer, s. 6.

47 G. 3, 11—1807.

Certain fees to, established.

*See also* 8 V. c. 38—1845.

59 G. 3, c. 12—1818.

Duplicate return of forfeited estates to be transmitted to, where lands lie, s. 6.

11 G. 4, c. 20—1830.

To lay before grand jury in Home District account of moneys necessary for the support of insane destitute, s. 1.

Same provision extended by 3 W. 4, c. 45—1833, to all the districts.

*See also* Insane Destitute.

11 G. 4, c. 36—1830.

Annual returns of marriages to be made to ; fee therewith 2s. 6d., s. 6.

To be recorded in marriage register book, *ib.*

7 W. 4, c. 8—1837.

Affidavit by mother of illegitimate child to be filed in the office of the clerk of the peace for the District where the mother is resident, s. 4.

## CLERKS OF THE PEACE,

7 W. 4, c. 10—1837.

All fines, issues, amercements and forfeited recognizances at any general quarter sessions to be entered on a roll by clerk of the peace within 21 days after adjournment, s. 3.  
To be made in duplicate and signed by clerk of the peace, *ib.*

One to be deposited in the office of the clerk of the peace, and the other sent to the sheriff with writs of *feri facias* and *capias* as per forms in schedule B., s. 4.

Affidavit to be made by clerk of the peace at the foot of each roll, s. 7.

Writs to be returned by the sheriff, and filed by clerk of the peace, and copy sent to the receiver general, s. 11.

7 W. 4, c. 18—1837.

Accounts against districts to be delivered to clerks of the peace before the first day of the general quarter sessions, s. 1.

No accounts to be audited unless seven justices present, s. 2.  
Accounts to be taken into consideration on the second day of the sessions, *ib.*

Clerks of the peace to furnish district treasurer with lists of orders for payment in their priority, s. 3.

Treasurers to furnish a balance-sheet on the first day of each session, for the preceding quarter, *ib.*

Orders made not to be rescinded except by an equal number of justices, s. 4.

No order to be made unless funds to meet it, except where debts actually due, s. 5.

*See further District Funds, and query as to effect of the present Municipal Laws on this Act?*

4, 5 V. c. 12—1841.

Return of convictions to be filed and published, s. 4.

Quarterly returns of, to be transmitted to inspector general, s. 5.

6 V. c. 3—1842

Certificates of qualification of justices to be deposited with clerks of the peace, s. 3.

Attested copy to be furnished on payment of 1s., s. 4.

8 V. c. 8—1845.

Thirty days' notice of claim, under Heir and Devisee Act to be given in office of the clerk of the peace, s. 6.

List to be put up in the court-house once in three months, *ib.*

" to be publicly read in open court at each session by the crier, immediately after the charge to the grand jury, *ib.*

Certificates of due notice, &c., to be granted by clerks of the peace—fee 2s. 6d., *ib.*

8 V. c. 38—1845.

Justices in general quarter sessions to frame table of fees for services by sheriffs, coroners, clerks of the peace, constables and criers, s. 1.

To be laid before the judges of Queen's bench for approval, *ib.*  
Penalty £10 for exacting greater fees, s. 4.

**CLERKS OF THE PEACE,**

10, 11 V. c. 14—1847—Census Act.

Returns of baptisms, marriages and burials to be made to him quarterly, (but by 12 V. c. 90, (1849) *once a year only*), s. 16.

To forward census returns to board of registration yearly, on or before the 1st January, s. 18.

Also list of all convictions, in triplicate, s. 20.

12 V. c. 90—1849.

Returns of marriages required by the 11 G. 4, c. 36, sec. 16, (1830), need not be made while the census act 10, 11 V. c. 14, (1847), continues in force, s. 2.

13, 14 V. c. 55—1850.

To prepare jurors' books, (amended by 14, 15 V. c. 65. 1851.) s. 16.

To prepare ballot, and how, s. 18.

Jurors' books to be brought into quarter sessions next after 1st October, (extended to 31st October by 14, 15 V. c. 65. 1851), s. 19. *But this provision was repealed* by 16 V. c. 120, sec. 1, 1853; and by sec. 4 of same statute, a certified copy of the jurors' book to be deposited in the office of the clerk of the crown and pleas of the Queen's bench, on or before the 31st December.

His duties as to balloting for Jurors and depositing lists, ss. 20, 21, 22.

Penalty on, £50 for wilful dereliction of duty, s. 73.

In cities the Clerk of the Recorder's Court to perform the duties elsewhere as signed to Clerks of the Peace, s. 75.

Provision in case clerk of the peace unable to take the oath required by the 19 sec., s. 83.

14, 15 V. c. 84—1851.

Clerk of the peace, or other person to be appointed by the sessions, to act as clerk to visitors of private lunatic asylums, s. 4.

Remuneration for services, *ib.*

May employ an assistant, s. 5.

To lay application for licenses for, before the sessions, s. 7.

Rates of charges on, to be paid to clerk of the peace, s. 15.

Annual account of receipts and payments for licenses, salaries, &c. to be laid before the sessions, s. 17.

To pay visitor's costs, and include same in his accounts, s. 64.

18 V. c. 92—1855.

Record in criminal cases how to be drawn up by him, s. 4.

Commission of the peace not to be read at the opening of the sessions, s. 39.

**COALS, CHARCOAL, WOOD,**

4, 5 V. c. 26—1841.

Maliciously setting fire to, declared felony, s. 17.

**COBOURG AND GRAFTON ROAD COMPANY,**

Incorporated, 10, 11 V. c. 93.

**COBOURG HARBOUR,**

Vested in municipality of town, 13, 14 V. c. 83.

**COBOURG HARBOUR COMPANY,**

Incorporated, 10 G. 4, c. 11.

Provincial loan to, 2 W. 4, c. 22; 5 W. 4, c. 43.

Capital increased, 2 V. c. 42.

Time for payment of loan extended, 6 V. c. 20.

Act to cease as regards any thing to be done by the company, and the harbour vested in the town, 13, 14 V. c. 83.

**COBOURG MANUFACTURING COMPANY,**

Incorporated, 9 V. c. 94.

**COBOURG AND PETERBOROUGH RAILWAY COMPANY,**

Incorporated, 16 V. c. 40.

Charter amended, 16 V. c. 242.

May make a branch to Marmora, 18 V. c. 186.

**COBOURG AND PORT HOPE ROAD COMPANY,**

Incorporated, 10, 11 V. c. 94.

**COBOURG AND RICE LAKE PLANK-ROAD AND FERRY COMPANY,**

Incorporated as the Cobourg Railroad Company, 4 W. 4, c. 28.

Charter amended, 6 W. 4, c. 19.

Provincial loan to, 7 W. 4, c. 74.

Act of U. C. revived and amended and name of company changed, 9 V. c. 80; 10, 11 V. c. 87.

**COFFIN, COL. N.,**

Pension granted to, 1 V. c. 45.

**COIN AND COINING,**

*See* Currency.

**COIN, SPURIOUS, COPPER OR BRASS,**

4, 5 V. c. 17—1841.

No copper or brass coin or tokens (except British) to be imported, nor any manufactured, except by permission of the Governor in council, s. 1.

Conditions for importation, or manufacture, s. 2.

Coin imported or manufactured contrary to Act to be forfeited, and party subject to penalty, s. 3.

Summary conviction for, before two justices, who may commit offender in case of non-payment of penalty, *ib.*

Persons knowingly in possession of, liable to same penalty, *ib.*

Owners liable to penalty, where party in possession proved ignorant of illegal importation, &c., s. 4.

Collector of customs authorized to seize, s. 5.

Re-exportation of, in certain cases, permitted, s. 6.

Penalty for uttering or offering in payment, s. 7.

Application of penalties, s. 8.

Former laws on same subject repealed, s. 11.

*See also* Currency.

**COLBORNE DISTRICT,**

For the erection of, 7 W. 4, c. 115.

Period for imposing additional rate in, extended, 2 V. c. 31.

**COLLECTOR OF CUSTOMS,**

*See Customs.*

**COLLECTOR OF RATES,**

12 V. c. 81—1849.

How appointed, s. 28—as amended by 13, 14 V. c. 64.

16 V. c. 182—1853.

Duties on receiving roll, s. 41.

Taxes, how levied in case of non-payment, s. 42.

Notice of sale to be given, s. 43.

Surplus to be paid to the owner, s. 44.

Roll to be returned and proceeds paid over on day appointed,  
not later than 1st March, s. 46.

To give security, s. 76.

How compellable to account and pay over, s. 79.

*See also Assessments.*

**COLLEGE,**

*See King's College—University of Toronto—Upper Canada  
College,—and other Colleges by their corporate names.*

**COLLEGE OF REGIOPOLIS,**

Real property of, how to be held, &c., 8 V. c. 79.

**COLLEGE OF BYTOWN,**

Incorporated, 12 V. c. 107.

**COMMERCE AND TRADE, AND MATTERS RELATING  
THERETO,**

*See Supplement* and the several subjects.

**COMMERCIAL INTERCOURSE,**

*See Free Trade—Reciprocity.*

**COMMERCIAL BANK OF THE MIDLAND DISTRICT,**

Incorporated, 2 W. 4, c. 11.

Charter amended, 3 W. 4, c. 42; 5 W. 4, c. 45.

Charter extended, &c., 6 V. c. 26; 9 V. c. 87.

Charter amended, 12 V. c. 170.

And again, and capital increased, 18 V. c. 42.

*See also Banks of Upper Canada, &c.*

**COMMISSION FOR EXAMINATION OF WITNESSES,**

2 G. 4, c. 1—1822.

When may issue in Queen's bench, (*and now also Common  
Pleas* under 12 V. c. 63) s. 17.

How returnable when executed in a foreign country, s. 18.

**COMMISSIONS OF THE PEACE,**

41 G. 3, c. 6—1801.

Doubts removed respecting their authority.

**COMMISSIONS OF THE PEACE,**

18 V. c. 92—1855.

Not to be read at the opening of the quarter sessions, s. 39.  
*See also* Justices of the Peace.

**COMMISSIONERS FOR TAKING AFFIDAVITS,**

2 G. 4, c. 1—1822.

How appointed, s. 39.

May issue bailable process, s. 9.

2 V. c. 2—1839.

Commissions may be granted by puisne judges in the absence of the chief justice.

8 V. c. 13—1845.

May issue bailable writs in district courts in certain cases, s. 16.

Not to issue process, if attorney in the cause, s. 17.

12 V. c. 77—1849.

Queen's bench and common pleas may appoint commissioners in Lower Canada for taking affidavits in matters pending, ss. 1, 3.

Proof of deeds and memorials may be made before such commissioners, s. 2.

False swearing to be perjury, s. 4.

**COMMISSIONERS OF INQUIRY,**

9 V. c. 38—1846.

On public business, may take evidence on oath.

18 V. c. 85—1855.

Act continued till 1st January, 1856, and to the end of next session.

**COMMISSIONERS OF CUSTOMS,***See* Revenue, management of.**COMMISSIONERS OF THE PORT HOPE HARBOUR,**

Incorporated, 16 V. c. 140.

**COMMITMENT,***See* Justices of the Peace,**COMMON LAW, SUPERIOR COURTS OF,**

34 G. 3, c. 2—1794.

Court of King's bench established, s. 1.

Jurisdiction and powers, *ib.*

To be presided over by a chief justice and two puisne judges, *ib.*

35 G. 3, c. 4—1795.

Same jurisdiction given to, in revenue cases, as to court of exchequer in England.

2 G. 4, c. 1—1822.

To repeal and amend the laws now in force.  
 Certain acts repealed, s. 1.

## COMMON LAW, SUPERIOR COURTS OF,

Court may adjourn from return day to return day in term time, s. 3.

Ca. re. to be original process, (*but now writ of summons*, by 12 V. c. 63, sec. 22,) s. 4.

Manner of proceeding in non-bailable actions, s. 5.

Privileged persons may be proceeded against by bill, s. 6.

Defendants may plead several matters without leave of the court, s. 7.

No arrest to be made where cause of action less than £5, (*but now £10* by 5 W. 4, c. 3, s. 1, and 8 V. c. 48, s. 44,) s. 8.

Affidavit of debt to be made before arrest, *ib.* See also 8 V. c. 48, s. 44.

Commissioners for taking affidavits and deputy clerks of the crown may issue bailable writs, s. 9.

Judges may grant orders for arrest, s. 10.

Conditions of recognizance of bail, s. 11. See also 4 W. 4, c. 5.

How bail may surrender their principal, s. 12.

Defendants may put in special bail in vacation, s. 13.

Arrest allowed during pendency of action, s. 14.

Ca. sa. may issue after judgment without further affidavit in bailable actions, otherwise in non-bailable actions, s. 15.

Issues joined in the Home district may be tried before any judge, s. 16.

Chief justice to issue precept to sheriff to summon juries, *ib.*

Commissions to examine witnesses, when may be issued, s. 17.

How to be returned when taken in a foreign country, s. 18.

Poundage, fees, expenses of execution and interest to be levied, s. 19.

How sales of land in execution shall be advertised, s. 20.

*But see 12 V. c. 26, making the Canada Gazette the paper for advertizing instead of the Upper Canada Gazette.*

Sheriffs not to trade as merchants or shopkeepers, s. 21.

First and last days of periods of time under the act and limited by rule of court, to be inclusive, s. 22.

Form of declaration in certain cases, s. 23.

Statutes of jeofails, limitations and amendments declared in force, s. 24.

Defendants may pay money into court, s. 25.

Officer to receive one per cent. on moneys paid in, s. 26.

Special commissions may be issued to try offenders, s. 28.

No writ of inquiry to be issued in default cases, but damages to be assessed by jury, s. 29. *But see 8 V. c. 13, s. 54, as to cases where there is no question of fact to be tried.*

Allowance to jurors, (5s. per diem, by 14, 15 V. c. 14,) s. 30.

Sheriffs to return writs of nisi prius, and attend judges on circuit, s. 31.

Clerk of the crown to have an office in each district, s. 32.

Writs of ca. sa. may issue from deputy's office, but affidavit and præcipe for, must be sent to the principal office in a month, s. 33.

Deputy clerks of the crown may certify proceedings, s. 34.

All proceedings to be transmitted to principal office before judgment, s. 35.



**COMMON LAW, SUPERIOR COURTS OF,**

Eight days' notice of trial and four days' notice of countermand to be given, s. 36.

Dilatory pleas may be argued before judge in vacation, s. 37.

Allowance of costs in civil suits to either party, to be regulated by laws of England, s. 38.

Commissioners, how appointed for taking affidavits and bail, ss. 39, 40.

Judges to make orders for justifying bail before commissioners.

Judges of assize may take bail, s. 42.

Ordinances of Province of Quebec repealed, s. 43.

Attorneys not to trade as merchants, s. 44.

Judges to establish table of fees, s. 45.

2 W. 4, c. 8—1832.

Court to be held within one mile of the seat of government.  
[*This clause is virtually repealed by the Union Act, s. 44.*]

7 W. 4, c. 1—1837.

Two additional judges to be appointed : in what manner and with what salaries, and how payable, ss. 1, 2, 3, 4.  
*But see* 12 V. c. 63.

Puisné judges to sit in *banc* in rotation, s. 5.

Unless in the absence of the chief justice, *ib.* *But see* 12 V. c. 63, s. 10, 1849.

Commissions of assize and nisi prius to issue twice a year, s. 8. *None required now, see* 18 V. c. 92, ss. 43, 44.

Special commissions may issue when necessary, *ib.*

Provision in case courts of assize cannot be opened on the day appointed in the commission, s. 9.

Judges on circuit allowed travelling expenses for each district except the Home district, s. 10.

Fees to be paid to clerk of assize for criminal business, *ib.*

The sheriff of the Home district to be paid for attending the Court of Queen's bench during term, *ib.*

7 W. 4, c. 3—1837.

Judges to make rules to alter mode of pleading, s. 1.

Such rules to be laid before parliament before going into operation, *ib.* *See* 6 V. c. 19, *confirming new rules.*

Not to affect the right of pleading the general issue when allowed by act of parliament, *ib.*

Plea in abatement for misnomer not allowed in personal actions, but declaration may be amended on judge's summons, s. 8.

Court to make rules for admission of documentary evidence. s. 12.

Amends, except in certain cases, may be paid into court, s. 13.

Local actions may be tried in another district (*now county*) by suggestion on the record, s. 14.

Pleadings may be amended at trial, s. 15.

Party dissatisfied with amendment may apply for new trial, *ib.*

## COMMON LAW, SUPERIOR COURTS OF,

The jury may find the facts specially instead of such amendment, s. 16.

After issue joined, the parties may agree upon a special case, s. 17.

Costs to be paid by executors, &c., in certain cases, s. 23.

Defendants entitled to costs after *nolle prosequi*, unless judge certify, s. 24.

Costs allowed when *nolle prosequi* entered as to part of declaration, s. 25.

Plaintiff allowed costs on *sci. fa.* after judgment by default, s. 26.

Submission to arbitration not revocable without leave of the court, if agreed to be made rule of court, s. 29.

Court may enlarge time for making award, *ib.*

Witnesses may be compelled, by order of the court, to attend arbitrators, s. 30.

Witnesses may be sworn upon arbitrations, s. 31.

Writ of *testatum fi. fa.* not necessary, s. 33.

2 V. c. 1—1839.

Style of court to be King's or Queen's Bench, according as the sovereign is a King or Queen.

Act not to affect suits already brought, s. 2.

4, 5 V. c. 5—1841.

Judges authorised to sit in *banc* on the Tuesday and Wednesday of the second week after the end of each term, for the purpose of giving judgments, and making rules and orders.

6 V. c. 19—1842.

Certain rules and orders made under 7 W. 4, c. 3, confirmed.

8 V. c. 36—1845.

Clerk of the crown to supply deputies with original and *testatum* writs of *mesne* and final process, excepting writs against lands, s. 1.

Notice on *mesne* process, to be as before, s. 2.

All proceedings commenced in any district (*now county*) to be continued therein up to final judgment, *ib.*

Provision for changing the venue, *ib.*

Deputy may tax costs and enter judgment in all suits commenced in his district, where a *cognovit* has been given, and in cases of *non pros.* And when judgment final in the first instance, s. 3.

Proviso as to taxation of costs by the master upon rule, *ib.*

Deputies to transmit judgment papers to clerk of the crown at Toronto, and judgment then to be entered of record and docketted, s. 4.

Clerk of the crown at Toronto authorised to file papers transmitted to him, without charge, *ib.*

All *alias* and subsequent writs of final process, and all writs against lands, to issue from the clerk of the crown at Toronto, s. 6.

Office of the deputy to be held in the court-house, s. 7.

Such deputy not to be a practising attorney, *ib.*

## COMMON LAW, SUPERIOR COURTS OF,

Where writ sued out of the office of any deputy, east of the Home district, into any district westward, and *vice versa*, the time for appearance or plea, &c., to be twelve days, s. 8.

Deputies to issue rules in certain cases, s. 9.

12 V. c. 68—1849.

Deputy clerks of crown may tax costs and enter judgment in certain cases, s. 1.

Proviso: rule may be had to tax in Toronto, *ib*.

Certain judgments on *cognovit* in outer districts declared regular, s. 2.

12 V. c. 63—1849.

Court of Common Pleas established, s. 1.

To consist of a chief justice and two puisné judges, s. 2.

Two Justices of Q. B. may be transferred to it, s. 3.

Judges to hold office during good behaviour, s. 4.

May be removed on address by both Houses, *ib*.

Salaries of the judges, s. 5.

Annuity may be granted to judges resigning equal to two thirds of fixed salary, s. 6.

In what cases only such annuity shall be granted, *ib*.

Judges to take an oath of office, s. 7.

Jurisdiction and powers of, to be the same as in Queen's bench: and the same practice until otherwise provided for by rule of court, s. 8.

Judges of both Courts, to sit in rotation for dispatch of chamber business, s. 9.

Practice Court abolished, s. 10.

Clerks of the crown and pleas to be appointed by letters patent, s. 11.

Senior and junior clerk to be appointed, how, *ib*.

Clerks of the county courts to be *ex officio* deputy clerks of the crown and pleas in Queen's bench and common pleas, *ib*.

Duties of the clerk of the crown in common pleas, s. 12.

All orders in force respecting the clerk of the crown in the Queen's bench and his deputies to be in force with respect to the common pleas, *ib*.

The like fees payable as in Queen's bench, *ib*.

Clerks to be paid certain fixed salaries, s. 13.

Governor in council to fix the salaries of deputies, *ib*.

Clerks and deputies not to take fees for their own use, s. 14.

Fees to belong to the province, *ib*.

Fee account to be rendered quarterly to receiver general, s. 15.

Account to be rendered to inspector general, s. 16.

Case of C. C., Small, provided for, s. 17.

Act 8 V. c. 14, repealed, s. 18.

Terms of the common law courts appointed, s. 19.

Commissions of assize, &c., to issue, s. s. 20, 21. *But see* 18 V. c. 92, s. 43.

Process of the said courts in non-bailable suits, s. 22.

Form of appearance, s. 23.

Form of writ where defendant is held to special bail, s. 24.

Further provisions as to bailable cases, *ib*.

## COMMON LAW, SUPERIOR COURTS OF,

- Writs not to be in force beyond four months, s. 25.
- Provision with respect to statute of limitations, *ib.*
- Proceedings on return of process, s. 26.
- Writs how tested, s. 27.
- Service on a corporation, s. 28.
- Judges to make rules for carrying this act into force, s. 38.
- Proceedings in default of appearance, s. 30.
- Attorney, on demand, to declare whether writ issued by him, or by his authority, and disclose plaintiff's residence, s. 31.
- Where writ disavowed, defendant, if arrested, may be discharged on entering common appearance, *ib.*
- Judges may make rules for the conduct of ministers and officers of the court, s. 32.
- Privilege from arrest not to be impaired, s. 33.
- Certain writs, to be the only writs used in personal actions, s. 34.
- Provisions of the 8 V. c. 36, extended to such writs, *ib.*
- Judges of county courts authorized to grant orders for time to plead, &c., s. 35.
- Deputy clerk of the crown authorized to issue rules to compute, tax costs, and issue execution in certain cases, s. 36.
- Appeals to lie from county courts &c. to the common pleas, as to the Queen's bench, s. 47.
- 12 V. c. 68—1849.
- Deputy clerks of the crown may enter final judgment in all suits, whether upon verdict, computation, cognovit, or warrant of attorney, and issue original or *testatum* writs, or *alias* or *pluries* writs of *fi. fa.* or *ca. sa.*
- 13, 14 V. c. 51—1850.
- One of the judges (Q. B. or C. P.) authorized to sit in *banc* in matters of bail, insolvent debtors, hearing motions, and making rules and orders, in matters pending, s. 3.
- Clerk in chambers to be clerk of such court, s. 4.
- Judges in chambers may dispose of business pending in either court, s. 5.
- 14, 15 V. c. 14—1851.
- Court sitting for trial by jury may order records to be entered and case proceeded with on the first day of the sittings, s. 14.
- 14, 15 V. c. 118—1851.
- Deputy clerks of the crown to be *ex officio* clerks of assize, s. 1.
- Papers to be forwarded and notices given by them, *ib.*
- Records, &c., to be delivered by clerk of judges' chambers for new trial, &c., *ib.*
- Record to be delivered to attorney of party entitled to *postea*, and when, s. 2.
- And exhibits, upon judge's order, *ib.*
- Allowance for attendance of deputy clerks, s. 3.
- Attorney entitled to the *postea*, to prepare the same, s. 4.
- Deputies not to charge fees in certain cases, s. 5.
- Regulations respecting postage of records, &c., ss. 6, 7.
- Provisions respecting the marshal and clerk of assize of the county of York, ss. 8, 9.

## COMMON LAW, SUPERIOR COURTS OF,

Clerks of assize to issue precepts to sheriffs, s. 10.

Act to come into force 1st January, 1852.

16 V. c. 175—1853.

To provide for the more equal distribution of business in.

Special clerk to be appointed for issuing mesne process in Queen's bench and common pleas, to be called the clerk of the summonses, s. 1.

Twelve writs to be issued in rotation from each court, s. 2.

Plaintiff authorized, during the pendency of any action, to sue out bailable process, s. 3.

Masters, or taxing officers, may tax costs in either court, and the judges may make rules therefor, s. 4.

Deputies to be supplied with blank certificates of entry of judgment, s. 5.

Effect of such entry and certificate by deputies, *ib.*

Writs to be tested on day of issue, s. 6.

Defendant entitled to Gaol limits, may obtain the same on giving bond, s. 7.

Defendant and sureties relieved on complying with the 5th section of the 10, 11 V. c. 15, s. 8.

Sheriff may recover on bond for breach thereof, s. 9.

Bound to assign, if required, to the party arresting, s. 10.

Assignee may sue in his own name, s. 11.

Defendant giving bond liable to interrogatories, s. 12.

Mileage taxable only on process served by sheriff, &c., s. 13.

Office days and hours of sheriffs in Upper Canada, s. 14.

Date of delivery of writs to, to be endorsed, *ib.*

Proceedings if writs not served within the time limited, *ib.*

Penalty for not duly re-delivering writs, *ib.*

Sheriffs may sue in certain cases under the Absconding Debtors' Acts for debts, &c., attached, s. 15.

Deposit of moneys received, *ib.*

If the clerk of assize is absent, the judge may appoint a substitute, s. 16.

Judges of county courts authorized to grant summonses in addition to those under the 12 V. c. 63, s. 17.

Proceedings on reference of attorney's bill for taxation, s. 20.

Order on, for re-delivery of deeds and papers, *ib.*

Judge may give leave for commencement of action on attorney's bill, when, *ib.*

Provision for taxation by a third party, s. 21.

Delivery of bill may be ordered to third party, s. 22.

Payment of bill not to preclude subsequent taxation, s. 23.

Taxing officer may require the assistance of officer of any other court, s. 24.

Applications for taxation, how to be entitled, s. 25.

Certificate of taxing officer to be conclusive unless set aside, *ib.*

Plaintiff in trespass, or case, recovering less than £2, not entitled to costs unless judge certify, s. 26.

After verdict or non-suit, judge may certify that execution ought to issue forthwith, s. 27.

Proceedings thereon, *ib.*

Entry of judgment in such cases, s. 28.

May be set aside, and effect of its being so, s. 29.

*See also Queen's Bench—and Supplement.*

## COMMON PLEAS,

*See Common Law, Superior Courts of.*

## COMMON SCHOOLS,

4, 5 V. c. 18—1841.

A permanent fund established for the support of, to arise from the selling or leasing of school lands, s. 2.

£50,000 granted annually during the continuance of this act, as a common school fund, to be composed of the income and revenue of said permanent fund, and of such further sum as may be required to complete the same out of the provincial funds, s. 3.

Such annual grant to be called the "Common School Fund."

7 V. c. 9—1843.

The grant of £50,000 to be apportioned between Upper and Lower Canada in proportion to population, s. 1.

12 V. c. 83—1849.

Act for the better establishment and maintenance of common schools.

A normal school in Upper Canada to be established, to contain one or more elementary model schools, s. 66.

The normal school at Toronto to be the normal school for Upper Canada until otherwise provided for, 74.

A school of art and design to be established in Upper Canada when the state of the school fund will permit, s. 78.

*[This Act is repealed by 13, 14 V. c. 48, s. 1—but things done under it are to remain valid, and the Normal School at Toronto is referred to and provided for in that Act.]*

All former Acts for the establishment and maintenance of common schools in Upper Canada repealed, s. 81.

12 V. c. 200—1849.

One million of acres of land set apart to form a fund for common school purposes.

13, 14 V. c. 48—1850.

Act for the better establishment and maintenance of common schools in Upper Canada.

## COMMON SCHOOLS,

Acts 7 V. c. 29, 1843, and 12 V. c. 83, 1849, repealed, s. 1:

Provided 1. That no Act repealed by such Acts shall be revived.

2. That the repeal of said Acts shall not extend to any act done, &c.

3. That all school sections, appointments, contracts, &c., shall remain valid until altered under the provisions of this Act.

4. The liability of superintendents not to be affected.

5. Nothing in said Act *secondly* cited contained, shall extend to repeal any Act whereby provision was made for the appropriation of money from the consolidated revenue fund for the maintenance of common schools in this province.

## COMMON SCHOOLS,

## ELECTIONS AND DUTIES OF SCHOOL TRUSTEES.

Annual meetings for election, to be held on the second Wednesday in January, s. 2.

One trustee to be elected in each school section where there shall be three trustees in office when this Act shall come into force, in the place of the one who has been three years in office (except in cities, towns and incorporated villages), s. 3.

Proviso as to re-election, *ib.*

Mode of calling the first school meeting in a new section, s. 4.

Mode of proceeding at the first meeting, s. 5.

Proceedings at annual meetings s. 6, viz :

1. Appointment of chairman or secretary.
2. To receive and decide on trustees' report.
3. To elect trustees upon vacancies.
4. To decide upon expenses.

Voters at, if challenged as to qualification, to make a certain declaration, s. 7.

False declaration to be a misdemeanor, *ib.*

Penalty on persons refusing to serve as trustees, s. 8.

Penalty for not giving due notice of meeting, and provision for calling meeting in default of annual meeting, &c., s. 9.

Trustees to be a corporation, s. 10.

Corporation not to cease for want of trustees. In such case any two freeholders or householders of such section may, on giving six days' notice, call a meeting and proceed to elect trustees, &c., *ib.*

Mode of deciding on the site for a school house, s. 11.

Duties of the trustees defined, s. 12, viz :

1. To appoint a treasurer.
2. Collector.
3. To have the keeping of the school property.
4. Provide school premises, apparatus and books.
5. Teachers.—To establish, with the consent of the local superintendent, male and female schools.
6. To give orders to teachers for money.
7. To provide for the salaries of teachers and school expenses, and deficiencies by assessment.
8. To make out a rate-list and warrant.
9. To apply to the township council for raising school moneys. (*See also* 16 V. c. 185, s. 17.)
10. To exempt indigent persons from the payment of school rates.
11. To sue defaulters.
12. To fix the place of school meeting—call special meetings.
13. To admit persons to attend the school on conditions.
14. To visit the schools.
15. To see that proper books are used.
16. To be personally responsible in certain cases.
17. To appoint a librarian and form a library.
18. To ascertain the number of children of school age—prepare and read their annual school report at the annual meeting of their section.
19. To prepare and submit annual report to the local superintendent. Such report to state :—1. The time the school has been kept open. 2. Amount of moneys received and expended. 3. The number of children, their ages and average attendance, 4. The branches of education taught, text books used, examinations, &c.

## COMMON SCHOOLS,

Penalty £5 for a false report by a trustee, or false register or return by a teacher, s. 13.

Foreign books not to be used without permission of the council of public instruction, nor any religious books objected to by parents, s. 14.

## COMMON SCHOOL TEACHERS AND THEIR DUTIES.

Who shall be deemed a qualified teacher, s. 15.

The duties of teachers to be :

1. To teach according to agreement and the provisions of this Act.
2. To keep the school registers ; maintain order ; keep a visitors' book, presenting the same to such visitors for their remarks.
3. To have a public examination of the school every quarter.
4. To furnish, when desired, information to the local or chief superintendent.
5. To keep carefully and deliver up the registers and visitors' books to the order of the trustees, s. 16.

Provision for payment of the teachers' salary, and the mode of settling any difference between the trustees and teachers, s. 17. *The second proviso to this section is repealed by 16 V. c. 185, s. 15.*

## DUTIES OF TOWNSHIP COUNCILS.

1. To levy assessments for school purposes, &c.
2. To levy assessment for a model school. The members of township councils to be trustees of model schools.
3. To form new school sections.
4. To alter and unite school sections.
5. To cause the township clerk to furnish the local superintendent with copies of proceedings relating to the formation or alteration of school sections, &c., s. 18.

Provision for separate schools for Protestants, Roman Catholics and coloured people, s. 19. *Repealed as to Roman Catholics only, by 18 V. c. 131, s. 1.*

Manner of electing trustees for the same and of apportioning the school moneys, *ib.*

All the school sections in a township to be under the management of one board of trustees, s. 20.

## COUNCILS AND TRUSTEES IN CITIES, TOWNS AND INCORPORATED VILLAGES, AND THEIR DUTIES.

The common council of such municipality invested with the same obligations as the councils of each county, &c., are by the 18 and 27 sections of this act, s. 21.

But the appointment of local superintendent to be made by the board of trustees for such city or town, *ib.*

Two Trustees to be elected for each ward, and one to retire on the second Wednesday in January following his election, and the other to remain one year longer, s. 22.

One trustee to be elected annually afterwards in each ward to continue in office two years, s. 23.

The board of school trustees for each city or town to be a corporate body, s. 24.



## COMMON SCHOOLS,

Their duties defined, viz :

1. To appoint officers, time and place of trustees meetings, mode of calling the same, recording proceedings and keeping school accounts. 2. To hold the common school property, manage or dispose of the same, and all moneys for common school purposes. 3. To provide common school premises—apparatus and text-books, &c. 4. To determine the number and description of schools, the teachers to be employed, terms of employment, remuneration, and their duties—the salary of the superintendent and his duties and to unite at their discretion with any grammar school. 5. To appoint a committee of oversight for each school. 6. To make an estimate of expenses. 7. To levy at their discretion school rate bills upon the parents. 8. To give orders to teachers for the amount due to them. 9. To call school meetings. 10. To see that the pupils are supplied with proper text-books, appoint a librarian, &c. 11. To see that the schools are properly conducted, and prepare and publish annual report in one or more public papers and an annual report to the chief superintendent.

## INCORPORATED VILLAGES.

Municipality to have the same powers as in cities, s. 25.

First election of trustees, how held and conducted, *ib.*

Six trustees to be elected, *ib.*

Mode of retirement from office, *ib.*

Two trustees to be elected annually, *ib.*

Mode of calling the first meeting, *ib.*

Trustees to be a corporation, and subject to the same obligations as are conferred by the 24th section of the act upon trustees of cities and towns, s. 26.

## DUTIES OF COUNTY MUNICIPAL COUNCILS.

1. To raise by assessment a sum equal to the legislative grant, with power to increase the amount at their discretion—amount to be paid to the county treasurer on or before the 14th December. 2. To raise money by assessment for a school library. 3. To appoint local superintendents, and provide for their salaries ; no local superintendent to have the charge of more than 100 schools. 4. To take security for all school moneys, &c. 5. To cause school accounts to be audited. The county clerk to transmit to the chief superintendent a certified copy of the abstract of such report on or before the first day of March annually, s. 27.

## CONSTITUTION AND DUTIES OF THE COUNTY BOARDS OF PUBLIC INSTRUCTION.

Boards, how constituted, s. 28.

Their duties defined, viz : s. 29.

## COMMON SCHOOLS,

1. To meet not less than four times a year.
2. To examine and give certificates of qualification to teachers.
3. To select text-books.
4. To provide for school libraries.

## DUTIES OF LOCAL SUPERINTENDENTS OF SCHOOLS.

Their remuneration, s. 30.

Their duties, viz., s. 31.

1. To distribute the common school funds.
  2. To give cheques to teachers for school moneys.
  3. To visit schools.
  4. To deliver public lectures.
  5. To enforce the law, recommend the use of books, &c.
  6. To attend the meetings of the county board of instruction.
  7. To attend arbitrations and meet the town reeves, as provided for by the 12th and 18th sections. To decide other questions or refer them to the chief superintendent.
  8. To suspend certificates of qualification in certain cases.
  9. To observe all lawful regulations, &c., give information to the chief superintendent, and accounts, &c., to auditors.
  10. To transmit an annual report to the chief superintendent on or before the 1st March. Such report to contain :—
1. The number of schools in each township.
  2. The number of pupils and their ages.
  3. Time of keeping the school open, branches taught, books used, &c.
  4. The amount of moneys received and expended, &c.
  5. The number of school visits, lectures, school houses, &c.
  6. The number of qualified teachers, private schools, libraries, &c.

## SCHOOL VISITORS AND THEIR DUTIES.

Clergymen of every denomination, judges, members of the legislature, magistrates, members of county councils and aldermen, to be school visitors, s. 32.

Who may visit the schools, attend examinations, &c., s. 33.

How general meeting of school visitors to be called, *ib.*

## DUTIES OF THE CHIEF SUPERINTENDENT OF SCHOOLS.

To be appointed by letters patent, s. 34.

His salary, *ib.*

To account for the contingencies of his office, *ib.*

To be allowed two clerks with salaries, *ib.*

His duties, s. 35 :

1. To apportion school moneys.
2. To certify such apportionment to the inspector general.
3. To prepare forms and transmit them to local officers.
4. To cause to be printed and distributed from time to time copies of this Act and school law regulations.
5. To see that school moneys are duly applied.
6. To appoint a deputy and special inspectors.
7. To superintend the normal school, and recommend text books in the schools generally.
8. To establish school libraries, provide plans, &c., for school houses.
9. To submit manuscripts, &c., to the council of public instruction for their sanction, and to prepare and lay before such

## COMMON SCHOOLS,

council general school regulations. 10. To apportion moneys for libraries. 11. To appoint persons to conduct teachers' institutes. 12. To be responsible for all normal and model school moneys. 13. To report annually to the Governor the actual state of the schools, and the amount of moneys expended, &c.

## CONSTITUTION AND DUTIES OF THE COUNCIL OF PUBLIC INSTRUCTION.

The council to consist of nine persons to be appointed by the Governor (the chief superintendent to be one), s. 36.

Provision for the place of meeting and expenses of such council, s. 37.

Clerk to the said council, and his duties, *ib.*

Duties of the council, s. 38, viz :

1. To regulate its own proceedings. 2. To provide for the establishment of the normal school. 3. To make rules therefor, and prescribe terms of admission. 4. To make regulations for the government of common schools. 5. To examine and recommend books. 6. To account annually for grant for the normal school.

## MISCELLANEOUS PROVISIONS.

Grant not exceeding £1500 per annum for normal school, and a sum not exceeding £1000 per annum for teachers in training, s. 39.

Local common school funds constituted, s. 40.

Conditions of apportionment, *ib.*

Certain sums to be expended for school libraries, s. 41.

Apportioned moneys, when payable, s. 42.

Protection of the common school fund against loss, s. 43.

Certificates of qualification of common school teachers may be granted by the chief superintendent on the recommendation of the normal school teachers, s. 44.

Any secretary, treasurer, refusing to deliver up or pay over moneys, books or papers, to be guilty of misdemeanor, and how to be dealt with, *ib.*

Salaries of superintendents how to be paid, s. 45.

Punishment of persons disturbing school meetings, s. 46.

14, 15 V. c. 111—1851.

Doubts as to the 19th section of the preceding act respecting separate schools, removed.

16 V. c. 182.—1853.

Deficiency in school rates, how to be made up, s. 31.

## SUPPLEMENTARY ACT.

16 V. c. 185—1853.

Boards of school trustees in cities, &c., to have the powers of trustees of school sections, s. 1.

Provision for the election of boards of trustees in villages or towns not divided into wards, s. 2.

Provision as to votes objected to at such elections, s. 3.

Provision respecting persons sending their children to separate schools and their exemption from common school rates, s. 4. *Repealed as to Roman Catholics by 18 V. c. 131.*

**COMMON SCHOOLS,**

- Separate schools to share in the legislative grant, &c., *ib.*  
 Qualification of teachers, *ib.*  
 Exemption from school rates limited, *ib.*  
 Trustees of separate schools to transmit annual returns to the local superintendent, s. *ib.*  
 Superintendent to make returns respecting separate schools to the clerk of the municipality and the trustees of the school section, *ib.*  
 Trustees of separate schools empowered to levy rates, *ib.*  
 Persons sending children to such separate schools not to vote at elections of common school trustees, *ib.*  
 Trustees of school sections to transmit half yearly returns to the local superintendent of the average number of pupils in the schools under their charge, s. 5.  
 Trustees of school sections may assess for school-houses and sites, s. 6.  
 Special meeting to be held for school sites, *ib.*  
 Trustees to see that each school has a register and visitor's book, s. 7.  
 Provision for uniting common schools with grammar schools, s. 8.  
 Responsibility of trustees for money lost through their neglect, s. 9.  
 Penalty on trustees neglecting to make their annual returns to the local superintendent, s. 10.  
 What agreements only with teachers to be valid, s. 11.  
 Liability of persons sending their children to school in a neighbouring school section, s. 12.  
 Exception as to separate schools, *ib.*  
 By what methods only school expenses shall be provided for, s. 13.  
 Term of office of local superintendents, s. 14.  
 Proviso 1. No local superintendent to be a teacher. 2. As to official visits. 3. As to superintendents of adjoining townships. 4. As to superintendents of two townships. 5. Superintendent to appoint time and place of a special school section meeting. 6. Superintendent to investigate complaints respecting elections. 7. May grant temporary certificates of qualification to teachers. 8. For the appointment of another superintendent in case of resignation.  
 The last proviso of section 17 of the 13, 14 V. c. 48, 1850, repealed, s. 15.  
 Arbitrators under that section empowered to summon witnesses, &c., and enforce the collection of sums awarded by them, *ib.*  
 Provision for the assessment of land lying within two or more school sections, s. 16.  
 Only one school rate to be levied in one year, except for a school house, &c., s. 17.  
 The 9th clause of the 12th section of the Upper Canada School Act of 1850, for levying rates, &c., not to have effect unless the trustees of such school section shall make application at or before the meeting of the council in August, *ib.*

## COMMON SCHOOLS,

Proviso as to union school sections, *ib.*

School moneys may be apportioned according to the time the school shall be open, s. 18.

Penalty on persons disturbing any common school, s. 19.

Certain certificates of qualification heretofore granted by county or circuit boards, confirmed, s. 20.

Trustees of school sections may be collectors for the same, s. 21.

Provision respecting uncollected school rates, s. 22.

“ for the apportionment of any additional school grant, s. 23.

The chief superintendent authorized to appeal from the decisions of division courts in school matters to the superior courts of law within one month after any judgment, s. 24.

Clerk of the township to prepare a map thereof, shewing the school sections, and copy to be furnished to the county council, s. 25.

All inconsistent provisions of the school act of 1850, repealed, s. 26.

This Act to apply to the present year, (1853), s. 27.

Short title of the common school acts, s. 28.

18 V. c. 131—1855.

## SEPARATE SCHOOLS FOR ROMAN CATHOLICS.

The 19th section of the Upper Canada School Act of 1850, and the 4th section of the Upper Canada Supplementary School Act of 1853, and all other inconsistent provisions, repealed as to Roman Catholics, s. 1.

Provision for establishment of separate schools for Roman Catholics, s. 2.

Provision for election of trustees, s. 3.

Notices in favor of separate schools may be given to the Reeve, &c., by private individuals, s. 4.

Date of delivery to be indorsed by officer, and copy delivered to trustee, s. 5.

Trustees named therein, incorporated, s. 6.

Provision for union of separate schools, s. 7.

Trustees under this Act to have the like powers as common school trustees, s. 8.

Trustees to remain in office until the second Wednesday in January following their election, s. 9.

Provision for reception of children from other school sections being Roman Catholics, s. 10.

A majority of the trustees elected under this Act authorized to grant certificates of qualification to teachers, and to dispose of school funds, s. 11.

Roman Catholics supporting Separate Schools, exempt from payment of common school rates on giving notice annually before the 1st day of February, s. 12.

Penalty £10 for making false statement, *ib.*

Separate schools under this act entitled to share in legislative grant for common schools, under certain provisions, s. 13.

Trustees to transmit to chief superintendent on or before the 30th June and 31st December annually a correct

## COMMON SCHOOLS,

statement of names and average attendance of children during the six months previous, s. 14.

Chief superintendent to determine the amount to be received by trustees out of legislative grant, *ib.*

Statement to be verified by oath of one of the trustees, *ib.*

Election of trustees to be void unless separate school established within two months thereafter, s. 15.

Persons subscribing for separate schools not to vote at election of trustees for common schools, s. 16.

## MISCELLANEOUS PROVISIONS.

18 V. c. 132—1855.

How any additional legislative grant made during this session, shall be disposed of, s. 1. *Such additional grant is made by 18 V. c. 90, schedule.*

County judge may try contested elections of school trustees, s. 2.

Chief superintendent to account yearly to the legislature, s. 3.

18 V. c. 78—1855.

Superintendents of common schools to report yearly to board of audit on or before 30th January, s. 13.

Under the penalty of £25, s. 15.

## COMMUNAUTÉ DES RÉVÉRENDES SŒURS DE LA CHARITÉ AT BYTOWN,

Incorporated, 12 V. c. 108.

## COMPANIES, JOINT STOCK,

General incorporation of, for various purposes, &c.

See Joint Stock Companies. *The Companies by their names respectively, and Supplement.*

## CONCEALMENT OF BIRTH,

4, 5 V. c. 27—1841.

To be a misdemeanour, and how punishable, s. 14.

On trial for murder, party if acquitted, may be found guilty of concealment, *ib.* See also 2 W. c. 1, containing like provisions—*Superseded by those of this Act.*

## CONFINEMENT, SOLITARY,

3 W. 4, c. 3—1833.

In what cases may be ordered, s. 25.

4, 5 V. c. 24, 1841.

May be ordered in certain cases, s. 28.

4, 5 V. c. 25, 1841.

Court may order in certain cases, s. 4.

See also Criminal Law—Punishment.

## CONNEXIONAL SOCIETY OF THE WESLEYAN METHODIST CHURCH IN CANADA,

Incorporated, 14, 15 V. c. 142.

**CONSIGNEE,**

12 V. c. 12—1849.

Owner's fraudulently disposing of goods after advances upon them, intent to defraud consignee, to be a misdemeanor, s. 2.

**CONSTABLE,**

33 G. 3, c. 2—1793.

Justices in sessions in April yearly, authorized to appoint a high constable in each *district*, (county *now* under 12 V. c. 78, s. 3) s. 10.

Also a sufficient number of other constables for every parish, township, &c., *ib.*

Form of oath to be taken before entering on office, *ib.*

8 V. c. 38—1845.

Fees of, to be regulated by the justices in sessions and approved by the judges, s. 1.

*See also* Cities—Municipal Authorities—Special Constables.

**CONSTITUTION,**

Imperial Act, 14 G. 3, c. 83—1774.

Province of Quebec, how bounded, s. 1.

This shall not affect boundaries of other colonies, s. 2.

Roman catholics secured free enjoyment of their religion on certain conditions, s. 5.

His Majesty may make provision for support of a protestant clergy, s. 6.

Roman catholics required to take oath of allegiance only in a certain form, s. 7.

Criminal law of England continued in force, subject to amendment by the legislature of the Province, s. 11.

Act not to prevent H. M. from constituting courts by letters patent, s. 17.

Imperial Act, 18 G. 3, c. 12—1778.

Declaration that parliament will not impose any duty or tax on any colony, except only for the regulation of commerce, the net produce of such duty or tax to be applied for the use of the colony, in the same manner as duties imposed by the local legislature.

Imperial Act, 31 Geo. 3, c. 31—1791.

Allotments of land to be made for the support of a protestant clergy, s. 36.

And proceeds appropriated to that purpose only, s. 37.

The said provisions may be varied by the legislature of either Province, s. 41. *They have now been so varied.*

*See* Clergy Reserves.

Lands in Upper Canada to be granted in free and common soccage only, s. 43.

Declaration in 18 G. 3, c. 12, confirmed, ss. 46, 47.

*See also* Proclamation dividing the province of Quebec into Upper and Lower Canada—by Sir A. Clarke.

Imperial Act, 3, 4 V. c. 35—1840.

Act to re-unite the provinces of Upper and Lower Canada, and for the government of Canada.

CONSTITUTION,

Proclamation to be made for the union of the two provinces,  
s. 1. (*The Union took place under this provision, 10th February, 1841.*)

Former acts to continue in force until proclamation, after which so much of 31 G. 3, c. 31, as provides for the constitution of a Legislative Council and Assembly in either Province, and for the making of laws, shall be repealed, with the Acts 1, 2, V. c. 9—2 3 V. c. 53, and 1, 2 W. 4, c. 23, s. 2.

Legislative Council and Assembly of Canada constituted, s. 3.

Legislative council to consist of not less than twenty members, s. 4.

Members to be of full age, and subjects of Her Majesty, *ib.*  
To hold their seats, for life, subject to certain provisions, s. 5.

Members empowered to resign their seats, s. 6.

Seats to become vacant in certain events, s. 7.

Vacancies to be determined on by the council, subject to appeal to Her Majesty, s. 8.

Speaker to be appointed and removed by the Governor, s. 9.  
Ten members, including the speaker, to constitute a quorum, s. 10.

Speaker to have a casting vote, *ib.*

The Governor authorized from time to time to convene a Legislative Assembly, s. 11.

Upper and Lower Canada to be represented by an equal number of representatives, s. 12.

*The provisions respecting certain electoral divisions in ss. 13, 14, 15, 16, 17, 18, 19, 20, 21,—*

*Those respecting returning officers in ss. 22, 23,—*

*And those respecting the issuing of writs of election, &c., in ss. 24, 25,—are no longer in force having been altered under the provision in s. 26.*

Legislature authorized to alter electoral divisions and establish new; and to alter and apportion representation, and alter and regulate the apportionment of returning officers; and make provision for issuing and returning writs of election, s. 26.

*The proviso to this section requiring that bills altering the number of members of the legislative assembly should be passed by a two-third vote in each house, is repealed by 17, 18 V. c. 118—(Imp. Act) s. 5.*

Laws relating to the qualification and disqualification of members (except as to property), and of electors, returning officers, elections, vacating seats, &c., in force at the passing of this Act, to continue, until altered by the legislature, s. 27.

Property qualification of members of assembly to be £500 sterling over and above incumbrances, s. 28.

Candidates at elections, when required, to declare their qualification, *ib.*

Form of declaration, *ib.* But see Provincial Act, 12 V. c. 27, s. 48.

False declaration to be a misdemeanor, and punishable as perjury, s. 29.



## CONSTITUTION,

Time and place of holding parliament to be fixed by the Governor, with power to change or vary, and to prorogue and dissolve, s. 30.

A session to be held once at the least every year, so that twelve months shall not intervene between the last sitting and the next, s. 31.

Assembly to continue four years from the day of the return of the writs—subject to prorogation or dissolution, *ib.*

First parliament to be convened within six months after the re-union, s. 32. *This was done.*

Assembly, at the first meeting after every general election, to elect their speaker, s. 33.

And so in case of death, resignation or removal, *ib.*

Twenty members at the least (including the speaker), to constitute a quorum, s. 34.

All questions to be decided by the majority—speaker to have a casting vote, *ib.*

No member of either house to sit or vote until he shall have taken and subscribed certain oath, s. 35.

Form of the oath, *ib.*

Affirmation allowed to persons authorized by law, s. 36.

Governor authorized to assent to, or reserve bills for Her Majesty's pleasure, s. 37.

Bills assented to may be disallowed within two years, s. 38.

Reserved bills not to be in force until Her Majesty's assent thereto is made known by message or proclamation of the Governor, s. 39.

Her Majesty may authorize the Lieutenant Governor to execute certain powers, &c., and the appointment of a deputy or deputies by the Governor, s. 40.

*Section 41 providing that all legislative records shall be in the English language is repealed by Imperial Act, 11, 12 V. c. 56, s. 1.*

*Section 42 providing that Bills affecting Ecclesiastical and Crown rights to be reserved and laid before the Imperial Parliament, is repealed by 17, 18 V. c. 118, s. 6.*

Declaration of 18 Geo. 3, c. 12, touching taxation by parliament, confirmed, s. 43.

Provision respecting courts of law, equity and appeal, s. 44.

Powers and functions of the government to be exercised by the Governor, with advice and consent of executive council, or by the Governor when such advice or consent is not required, s. 45.

Existing laws of either province to remain in force until repealed, s. 46.

Courts of civil and criminal jurisdiction to remain until otherwise provided for, s. 47.

Provision as to temporary enactments, s. 48.

Repeal of the provisions of 3 G. 4, c. 119, respecting the revenue claims of the two provinces, s. 49.

*Sect. 50 to 57 inclusive, constituting the Consolidated Revenue Fund and providing for the charges upon it, and for a Civil List and the surrender of the Hereditary Revenues of the Crown, are repealed by Imp. Act 10, 11 V. c. 71, with*

**CONSTITUTION,**

*the Schedules to which they refer ; and other provisions made by the Provincial Act, 9 V. c. 114, &c.*

*See Civil List.*

Provision for the constitution of new townships, s. 58.

Powers given to the Governor to be exercised in conformity with Her Majesty's instructions and orders, s. 59.

The Magdalens may be annexed to the island of Prince Edward, at Her Majesty's pleasure, s. 60.

Interpretation clause, 61.

Imp. Act 17, 18 V. c. 118.

Provincial Legislature empowered to alter the Constitution of the Legislative Council, s. 1.

Any bill for that purpose to be reserved for Her Majesty's pleasure, unless assent be withheld, *ib.*

Provisions of former act to apply to new Legislative Council, s. 2.

Provincial legislature may amend any act passed by it for the purpose aforesaid, s. 3.

Provincial legislature may vary or repeal the provision of the Union Act for the qualification of members of the assembly, s. 4.

Proviso to section 26 of the Union Act, that no bill for altering the number of members of the assembly, shall be valid unless passed by a two third vote in both houses, repealed, s. 5.

Section 42 of the Union Act repealed, s. 6.

Term "Governor" interpreted, s. 7.

*See also Aliens — Elections — Legislative Assembly — Representation.*

**CONSUMERS' GAS COMPANY OF TORONTO,**

Incorporated, 11 V. c. 14.

Charter amended, 16 V. c. 142 ; and again by 18 V. c. 215.

**CONTINGENT REMAINDERS,**

14, 15 V. c. 7—1851.

May be disposed of by deed, and how and with what effect—provision as to those created before 30 May, 1849, s. 5, 6.

**CONTINUAL CLAIM,**

4 W. 4, c. 1—1834.

Abolished, s. 23.

**CONTRABAND GOODS,**

*See Customs.*

**CONTRAVENTION OF ACTS,**

12 V. c. 10—1849.

Any wilful contravention to be a misdemeanor, if not otherwise punishable, s. 5.

**CONTRACTORS,**

*See Joint Contractors.*

**CONTRACTS,**

13, 14 V. c. 61—1850.

The 17 sect. of the Statute of Frauds (29 Car. 2, c. 3,) to extend to all contracts for the sale of goods of the value of £10, s. 7.

**CONTROVERTED ELECTIONS,**

14, 15 V. c. 1—1851.

**ELECTION PETITIONS AND THEIR RECEPTION.**

What deemed an election petition, s. 1.

When to be presented, ss. 2, 3, 4.

May be presented and brought up at any period of the day as matter of privilege, s. 5.

What shall constitute a session for the purposes of this act, s. 6.

Longer period allowed for presenting petitions complaining of bribery and corruption, s. 7.

No petition to be deemed an election petition unless presented in due time, s. 8.

On what conditions, petition may be withdrawn, s. 9.

**RECOGNIZANCES.**

Security for costs to be given before petition presented—amount and form of recognizance, s. 10.

Security for costs to be given by sitting member applying for commission to take evidence, s. 11.

Cognizors to justify their sufficiency, s. 12.

Sureties' names in full and additions to be given, s. 13.

Recognizances to be entered into before the speaker, or a justice of the peace, &c., s. 14.

Money may be deposited instead, s. 15.

How such money shall be dealt with, *ib.*

Petition not to be received without the speaker's certificate of recognizance or deposit endorsed thereon, s. 16.

What required before application by a sitting member for a commission to take evidence can be entertained, s. 17.

Objections to recognizances of sitting members, how heard and disposed of, s. 18.

Names of sureties, &c., to be entered by the clerk in the book, s. 19.

Objections to petitioner's recognizance—grounds stated, s. 20.

Notice of objections to be posted up, s. 21.

Speaker to decide thereon, s. 22.

Provision in case of the death of any surety, s. 23.

Speaker to report to the house, whether recognizances objectionable or not, s. 24.

List of cases where they are unobjectionable to be kept by the clerk, *ib.*

**ADMISSION OF PARTIES TO DEFEND.**

Proceedings where the contested seat becomes vacant, or the sitting member declines defending, before the appointment of select committee, s. 25.

Voters may within a certain period petition to defend, s. 26.

Member declining to defend, not to sit or vote until petition decided, s. 27.

CONTROVERTED ELECTIONS,

Voters petitioning to defend, to give security, s. 28.  
 May deposit money instead, *ib.*  
 Provision in case of a double return, when the member  
 petitioned against, does not defend, s. 29.

GENERAL COMMITTEE OF ELECTIONS.

To be named by the speaker, s. 30.  
 Nomination, how corrected if disapproved by the house,  
 s. 31.  
 Disapproval may be general or special, s. 32.  
 Members not disapproved, may be named again, s. 33.  
 Duration of the appointment, s. 34.  
 Vacancies in, to suspend their proceedings, s. 35.  
 Committee may be dissolved in certain cases, s. 36.  
 Vacancies, how filled up, s. 37.  
 Speaker to fix the time and place of the first meeting; mem-  
 bers to be sworn, s. 28.  
 Four members to constitute a *quorum*; and four members  
 of the general committee necessary for the appointment  
 of select committee, s. 39.  
 General committee to regulate their own proceedings, s. 40.  
 Clerk of the committee, his appointment and duties, s. 41.  
 Proceedings before the committee, when dissolved or sus-  
 pended, s. 42.

PANELS.

Members when and how excused from serving on election  
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 Member petitioning, or petitioned against, disqualified from  
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- May send for papers produced before commissioner, s. 126.
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- Action to lie against returning officer for not making due return, or delaying the same, s. 150.
- Penalties under this act, how recoverable, s. 151.
- Limitation of time for prosecuting offenders, s. 152.
- Who shall be deemed justices, for the purposes of this act, s. 153.
- Questions of regularity of proceedings to be decided by select committee, s. 154.
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The house may order any of its officers omitting to observe the directions of the act to be taken into custody, and dealt with in the discretion of the house, s. 159.

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Schedules of forms, &c.

## CONVEYANCES OF REAL PROPERTY FACILITATED,

9 V. c. 6—1846.

Where in any deed made in the form of schedule 1, or in which this act shall be referred to, the words of column 1 of the 2nd schedule are employed, the deed to have the same effect as if the words in column 2 were inserted, s. 1.

Deed to include all houses, &c., and the reversion and all the estate, unless special exception, s. 2.

Remuneration for preparing deeds, s. 3.

Deeds failing to take effect under this act to be as valid as if act not made, s. 4.

Construction of the act, s. 5.

Schedules, &c., to form part of the act, s. 6.

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To extend to Upper Canada only, s. 8.

*See also Leases.*

## CONVICT,

3 W. 4, c. 3—1833.

Food and treatment of in capital cases, s. 23.

4, 5 V. c. 24—1841.

Report to the Governor dispensed with, previous to execution, s. 32.

4, 5 V. c. 27—1841.

Prison regulations respecting, after sentence of death for murder, s. 5.

## CONVICTION,

2 W. 4, c. 4—1832.

General form and record of, by justices, s. 1.

May be enforced by any justice in certain cases, s. 2.

Not to be vacated for want of form in certain cases, s. 3.

When quashed, damages against justices restricted, ss. 4, 5.

4, 5 V. c. 12—1841.

Convictions to be returned by justices to the next general quarter sessions, s. 1.

Under the penalty of £20 for neglect, or taking unlawful fees, s. 2.

Penalties to be sued for within six months, s. 3.

Returns to be published by clerk of the peace, s. 4.

Quarterly return of, transmitted by clerk of the peace to the inspector general, s. 5.

Act not to exempt justices from making any other returns of convictions, &c., by law required, s. 6.



## CONVICTION,

18 V. c. 92—1855.

Record of, in criminal cases, how to be drawn up, s. 4.  
*See also* Justices of the peace—Summary Convictions.

## COPYRIGHT, PROVINCIAL,

4, 5 V. c. 61—1841.

Of any new work, secured to the author for twenty-eight years, s. 2.

May be continued to the author or his family (as the case may be) for the further term of fourteen years, s. 3.

Provided that the title of the work be again recorded within six months after expiration of first term, *ib.*

Public notice of such extension to be given, s. 4.

A copy of the work to be deposited with the provincial registrar and recorded, s. 5.

Registrar's fee, *ib.*

Notice that the copyright is secured to be given on the title page, &c., s. 6.

Penalty of 10s. per sheet on persons printing or publishing or importing the work during the continuance of the copyright—one moiety to Her Majesty, the other to the owner, s. 7.

The like penalty for publishing or importing any copyright map, chart, or musical composition, without consent of the owner, and forfeiture of plates, &c., s. 8.

Act not to prevent the importation of foreign works, s. 9.

Any person printing or publishing any manuscript without consent of the author, if resident in the province, to be liable for damages, s. 10.

Penalty for printing or publishing any work, *falsely* pretending to have the copyright, s. 11.

Prosecution for penalties to be within two years, s. 12.

Act to apply to works published before its passing, s. 13.

10, 11 V. c. 28—1847.

Provisions of the above Act extended to British authors, provided the work be printed and published in the province.

*See also as regards Works of Art—Inventions.*

## COPYRIGHT WORKS, BRITISH, PROTECTION OF,

13, 14 V. c. 6—1850.

Governor in council authorized to impose a duty not exceeding 20 per cent. upon foreign re-prints of British copyright works, s. 1.

Proceeds of duty to belong to parties interested in copyright, *ib.*

Interpretation clause, s. 2.

## CORNWALL TOWNSHIP,

Survey in, confirmed, 11 G. 4, c. 15.

Boundary of third concession, 7 V. c. 42.

Survey in ninth concession established, 13, 14 V. c. 84.

Survey by J. Bruce in 1853, confirmed, 18 V. c. 29.

**CORONER,**

4, 5 V. c. 24—1841.

Evidence to be taken in the presence of the party accused,  
s. 4.Accused shall be at liberty to cross-examine, *ib.*Witnesses to be bound by recognizance, &c., *ib.*

Coroner to be notified of application to bail, s. 5.

Penalty on, for neglect of duties under this act, s. 7.

Provisions to apply to all coroners, s. 8.

[*See also U. C. Statute, 3 W. 4, c. 2, which contains similar provisions virtually superseded by this act, although not expressly repealed.*]

Duties and powers in holding inquest, s. 4.

Penalty for neglect of duty, s. 5.

10, 11 V. c. 14—1847. (CENSUS ACT.)

To return yearly list of all inquests and findings by the jury  
to the board of registration on or before the 1st January,  
s. 19.

13, 14 V. c. 56—1850.

Act to amend the law respecting.

In what cases only inquests shall be held, s. 1.

Proceedings in case of the death of any inmate of lunatic  
asylum, s. 2.Penalty on witnesses refusing to attend inquests, and how  
enforced, s. 3.Omission of unnecessary words, &c., not to vitiate any in-  
quisition, s. 4.

Coroner may summon a medical practitioner to attend, s. 5.

Another to be summoned if required by a majority of the  
jury, s. 6.Penalty on coroner refusing, *ib.*

Allowance to medical practitioner, s. 7.

Penalty on, for refusing to attend, s. 8.

Act to extend to Upper Canada only, s. 9.

**CORPORATION,**

12 V. c. 10—1849.

General powers of, under the interpretation act, s. 5.

**CORPORATIONS,**

3 W. 4, c. 7—1833.

Act to facilitate legal proceedings against.

How writs and proceedings against to be served, s. 1.

How plaintiff to appear for, and proceed in action, s. 2.

7 W. 4, c. 9—1837.

The act 3 W. 4, c. 7, made perpetual.

4 W. 4, c. 1—1834.

May convey by bargain and sale, s. 46.

7 W. 4, c. 14—1837.

General enactments respecting future corporations.

General powers granted to, s. 14.

Respecting suits by and against, *ib.*Extent of real estate to be held by, *ib.*

Not to be dissolved for failure in election of officers, s. 15.

## CORPORATIONS,

Power to make rules, &c., s. 16.

Not to enter upon crown lands without license, s. 17.

Not to carry on banking, nor issue notes, unless authorized, s. 18.

Limitation of actions for things done under powers granted to, s. 19.

Special matter may be given in evidence under general issue, *ib.*

Legislature to have power to alter Acts of incorporation, s. 20.

*But the provisions of this act would not seem to apply to Corporations created by the Legislature of Canada since the Union. See also, 12 V. c. 10, s. 5, art. 24.*

## CORRECTION, HOUSES OF,

50 G. 3, c. 5—1810.

District gaols, declared to be.

*See also* House of Correction.

## CORRUPTION OF BLOOD,

3 W. 4, c. 4—1833.

Taken away, except for high treason.

## COSTS,

2 G. 4, c. 1—1822.

The allowance of, in civil suits regulated by laws of England, s. 38.

47 G. 3, c. 11—1807.

At quarter sessions how and by whom to be paid in certain cases, s. 2.

49 G. 3, c. 4—1809.

Allowed to defendants in certain cases, when arrested for more than is due, s. 1.

Not allowed in actions on judgments, without order, s. 2.

7 W. 4, c. 3—1837.

Recoverable by defendants improperly joined after plea of non-joinder, s. 7.

How plaintiff reimbursed in such cases, *ib.*

Executors liable for, in certain cases, s. 23.

Defendants entitled to, after *nolle prosequi*, unless the judge certify, ss. 24, 25.

Allowed on sci. fa. after judgment by default, and on all demurrers, s. 26.

1. V. c. 16—1838.

On levying distress for rent and penalties, limited, s. 1.

Penalty for exacting greater, s. 2.

Proceedings for enforcing penalty, s. 3.

Penalty for preferring unfounded complaints, s. 4.

Orders under Act to be in form of Schedule, s. 5.

Persons levying distress to give copy of charges, s. 6.

8 V. c. 13—1845.

Of district court only to be allowed in Queen's bench in suits within the jurisdiction of district (*now* county) court, unless judge certify, s. 59.

**CORPORATIONS,**

Extra costs of defendants in such cases to be set off against plaintiff's costs, *ib.*

8 V. c. 38—1845.

Upon conviction for assault and battery, or misdemeanor, at quarter sessions, costs to be paid by defendant.

In case of felony to be paid out of district funds.

16 V. c. 178—1853.

Plaintiff in trespass or case recovering less than £2 not entitled to, unless judge certify, s. 26.

*See also Fees.*

**COUNSEL,**

6 W. 4, c. 44—1836; 4, 5 V. c. 24, s. 9—1841.

Prisoners charged with felony, allowed to defend by.

**COUNTER, J.,**

May obtain a patent for a stove, 13, 14 V. c. 145.

**COUNTERFEITING,**

*See Currency—Forgery, &c.*

**COUNTIES, &c., FOR DEFINING THE LIMITS OF. ?**

8 V. c. 7—1845.

New townships in schedule A formed, s. 1.

To be subject to existing laws as other townships, s. 2.

Names of certain counties and ridings changed, s. 5. ?

Counties and ridings of Upper Canada, to be composed of the townships mentioned in schedule-B., s. 7. ?

Names of districts for judicial, municipal and other purposes, s. 8. ?

Provision as to suits pending, s. 9. ?

Provision as to taxes due, when any township detached, s. 10. ?

Seats of members not to be affected, s. 11.

Provision as to townships detached, s. 13. ?

Schedules of new townships and of counties and ridings.

[*The foregoing provisions are not expressly repealed by 12 V. c. 80, as the other parts of the Act and the 9 V. c. 46, amending it are; but the Acts 12 V. c. 78, substituting counties for districts,—12 V. c. 81, providing generally for municipalities,—and 14, 15 V. c. 5,—seem to have left no part of this Act in force now, except section 1, and Schedule E., describing the new townships, of which one (Murray) is altered by the Act last mentioned.*]

**COUNTIES,**

12 V. c. 78—1849.

Substituted for districts for judicial and municipal purposes. Districts abolished, s. 2.

District courts, court-houses, jails, grammar schools, offices, &c., to become county courts, &c., and the laws applicable to districts to apply to counties, s. 3.

Courts of assize &c. to be held in and for counties, s. 4.

## COUNTIES.

## UNIONS OF COUNTIES.

Counties mentioned in schedule A. to form unions for judicial and municipal and other purposes, except representation, s. 5.

Mode of describing any united county, s. 7.

Provision as to the property of united counties, s. 6. 1

Laws relative to districts to apply to united counties, s. 8.

## DISSOLUTION OF UNIONS OF COUNTIES.

Senior county and junior county defined, s. 9.

The governor in council authorized upon the petition of any junior county containing 15,000 inhabitants, for separation, to issue proclamation accordingly, s. 10.

Town-reeves of junior county to be a provisional council until dissolution of union, &c., *ib.*

With power to purchase property for court-house, &c., and appoint a provisional warden, &c., ss. 11, 12.

Provisional council to be a corporation, s. 13.

Provisions for raising money by assessment, and apportionment of the county debt, ss. 14, 15, 16.

For appointment of sheriff, judge and other officers, s. 17.

Actual dissolution of the union on a certain day and its effect, s. 18.

Separate registry of deeds to be kept, s. 19.

Real property of the union to belong to each county according to location, s. 20.

Provision as to actions, &c., pending at the dissolution of Union, ss. 21, 22.

Laws applicable to court-houses and jails, &c., to apply to junior counties when disunited, s. 23.

Certain counties in schedule C. to include the townships mentioned for registration, judicial and municipal purposes, s. 24.

Special provision as to certain townships and counties, ss. 25, 26.

All other counties to consist of and include the townships, &c., now within them, for judicial and municipal purposes, registration, &c., s. 27.

Cities, how formed for the purpose of representation, s. 28.

*But see also Representation.*

## MISCELLANEOUS AND TEMPORARY PROVISIONS.

Provision respecting Toronto, Hamilton and Kingston, s. 29.

Provision as to the united counties of Lambton and Kent, ss. 30, 31.

As to pending proceedings, s. 32.

As to the united counties of Haldimand and Welland, s. 33.

As to the union of Lincoln, Haldimand and Welland, s. 34.

Property of districts transferred to counties, s. 35.

Inconsistent enactments repealed, s. 36.

Who shall be justices of the peace in counties and unions, s. 37.

Schedules of unions of counties; counties substituted for districts, and descriptions of certain counties. *But see, as to the latter, 14, 15 V. c. 5.*

COUNTIES,

12 V. c. 79—1849.

- Certain townships to be included in the county of Kent, s. 1.
- Provision as to the temporary union of Kent, Essex and Lambton, *ib.*
- Parts of Dawn, Sombra and Zone attached to the township of Chatham, s. 2.
- Provisions of the 33rd and 34th sections of the 12 V. c. 78 to apply to the union of Kent, Essex and Lambton, s. 3.
- How such union may be dissolved, s. 4.
- Word "town-reeves" interpreted, s. 5.
- Provision as to registry offices in cases of dissolution, s. 6.

16 V. c. 181—1853.

- Prisoners in gaol, or on bail, on dissolution of union, may be tried in either county, s. 14.

COUNTIES AND TERRITORIAL DIVISIONS,

14, 15 V. c. 5—1851.

- How to be constituted and bounded, &c.
- Upper Canada divided into counties as per schedule A., including the townships named for each county, s. 1.
- The counties in schedule B. united for certain purposes, s. 2.
- Certain provisions of the 12 V. c. 78 to apply to counties united under this act, s. 3.
- Proclamation may be issued for erecting the town reeves of certain counties into a provisional municipal council, s. 4.
- Dissolution of unions of counties provided for, s. 5.
- To what county the property shall belong upon a township or tract being detached, s. 6.
- Provision respecting the debts of the county from which such township detached, s. 7.
- Special provision as to the Guelph and Dundas road debt, s. 8.
- Acts 12 V. c. 81, 1849, and 13, 14 V. c. 64, to apply to counties and townships constituted under this act, s. 9.
- Schedules annexed to 12 V. c. 78, and 8 V. c. 7, so far as inconsistent with this act, repealed, s. 10.
- As to the limits of townships on lakes and rivers, s. 11.
- The counties mentioned in schedule C. to be, for the purposes of representation, united under the names assigned, s. 13. *But see also Representation.*
- New townships formed, as mentioned in schedule B., s. 14.
- Proviso as to debts, property, &c., *ib.*
- Certain tracts mentioned in schedule E. attached to other townships, s. 15.
- Prisoners may be taken through the county of Kent on their way to Essex and Lambton, s. 16.
- Fees to registrars for statements in cases of separation of counties, s. 17.

16 V. c. 1—1852.

- Certain doubts as to the 14, 15 V. c. 5, having come into effect since the last general election, removed, s. 1.
- See also Representation, as to counties for representation purposes.*

**COUNTY AGRICULTURAL SOCIETIES,***See Agriculture.***COUNTY COUNCILS,**

12 V. c. 81—1849, *as amended by* 14, 15 V. c. 109—1851,  
and 16 V. c. 181—1853.

Inhabitants of counties incorporated, with power to sue and hold lands, &c., s. 32.

Town-reeves and deputy town-reeves to constitute the municipal council for each county. *New section substituted for s. 33, by* 16 V. c. 181.

Certificate to be filed by town-reeves of their election and qualification—and by deputy town-reeves, *ib.*

Affidavit of the collector verifying the roll to be filed, *ib.*

Council to meet at the Shire-hall annually on the fourth Monday in January, with power to adjourn and hold special meetings to be summoned by the warden, s. 34.

Warden to be elected at the first meeting, s. 35, *as amended by* 14, 15 V. c. 109.

Case equality of votes provided for, *ib.*

Repairs of the Shire hall, &c., to be charged upon the county, s. 36.

In case of any highway, &c., assumed by the county council, the powers of township municipalities to cease, s. 37.

Roads and bridges between different townships, to be under the control of the county council, s. 38.

Roads and bridges between two counties to be under the jurisdiction of both, s. 39.

Accounts to be audited, s. 40.

County councils authorized to make by-laws for various purposes enumerated, s. 41, viz :

1. For the acquirement of real estate for county purposes, (*amended by* 13, 14 V. c. 64.)
2. For the erection and repair, &c., of a Shire-hall, &c.
3. For purchase of site for grammar schools, and for erection of school-houses, &c.
4. For defraying expense of indigent scholars at college.
5. For endowment of fellowships, &c.
6. For appointment of county inspectors.
7. For remuneration of county officers.—
8. For regulating ferries.
9. For remunerating town reeves and deputy town reeves.
10. For construction and repair of drains and watercourses.
11. For opening, gravelling, macadamizing, planting, repairing and improving highways (*as amended by* 13, 14 V. c. 64, and 14, 15 V. c. 109.)
12. For protection of timber, stone and gravel upon any road allowance.
13. For regulating driving over bridges.
14. For preventing immoderate riding or driving on highways.
15. For making regulations as to pits and precipices and deep waters.
16. For granting loans to townships, &c., for new roads or bridges.
17. For attaching townships deficient in population to other townships for municipal purposes.
18. For granting permission to joint stock companies to proceed with new roads or bridges.
19. For taking stock in or lending money to any incorporated road or bridge company.
20. For

COUNTY COUNCILS,

imposing fines, not exceeding £10, for breach of by-laws. 21. For borrowing money for county works. 22. For levying assessments and tolls. 23. For repeal, alteration or amendment of by-laws.

16 V. c. 181—1853.

County councils empowered to levy assessments on particular localities for county purposes, s. 14.

See Municipal Corporations.

COUNTY COURTS, *formerly* DISTRICT COURTS,

12 V. c. 78—1849.

Name changed from "district court" to "county court," and counties substituted for districts, s. 4.

8 V. c. 13—1845, (*as amended by subsequent acts.*)

Former Acts repealed, s. 1.

Courts established in each district, (*now* county,) s. 2.

Judges to be appointed under the great seal, and hold office during pleasure, *ib.*

See also 9 V. c. 36, s. 2, *below*.

Clerk to be appointed in like manner, *ib.*

Judges to be barristers of at least five years' standing, s. 3.

Senior judge to be chairman of quarter sessions, and in case of absence, the justices to elect chairman *pro. tem.*, *ib.*

Not to practise the law under penalties of £100 and forfeiture of office, *ib.*

Oath of office, s. 4.

Courts to hold plea in debt, covenant or contract to the amount of (£50 by 13, 14 V. c. 52, and £100 by the same Act, where amount ascertained by signature of parties—and in *tort* to personal chattels, damages not exceeding £30, and title to land not in question, by the same Act,) s. 5, *as amended by* 13, 14 V. c. 52.

Sect. 6 (terms of court) *is repealed by* 9 V. c. 7,—*which see.*

Sections 7 and 8 (process for compelling appearance, and proceedings in default) *are repealed by* 12 V. c. 66, s. 1. *which see.*

Time for pleading, replying, rejoining, &c., to be four days, s. 9.

Defendant may plead several matters without leave of the court, s. 10.

The mode of pleading and all other proceedings to be the same as prescribed for the Queen's bench by the rules made under 7 W. 4, c. 3.

Plaintiff may sign judgment for want of plea, &c., but judge may grant time to plead, s. 12.

Affidavit to be annexed to any plea bringing title to lands, &c., in question, s. 13.

No person to be held to bail for less than £10, s. 14. [*See* 8 V. c. 48, s. 44, *for affidavit to be made.*]

Commissioners of Queen's bench to be furnished with writs of ca. re., s. 15.

May issue them as in Queen's bench, s. 16.

Not to issue them if the commissioner be attorney in the cause, s. 17.



## COUNTY COURTS,

- Proceedings on ca. re. when issued by commissioner, s. 18.  
 Ca. re. to be returnable in same term when issued, or in the next ensuing term, s. 19.  
 Judges, or clerks, and commissioners in Queen's bench may take affidavits and recognizances of bail, s. 20.  
 Sheriff to take bail and assign bail-bond as in Queen's bench : action may be brought in county court upon such bail-bond, whatever may be the amount, s. 21.  
 Plaintiff may file declaration *de bene esse*, s. 22.  
 Bail to the action, how perfected, s. 23.  
 Within what time defendant must plead, s. 24.  
 Plaintiff bound to declare on or before the last day of term next ensuing return of process, or defendant may enter judgment of *non pros.*, *ib.*  
 Sect. 25, (*arrest of defendant*) is repealed by 12 V. c. 66, s. 1.  
 Prisoner may be admitted to bail in term or vacation as in Queen's bench, s. 26.  
 Bail may surrender their principal, &c., as in Queen's bench, s. 27.  
 Proceedings after plea in bailable actions, s. 28.  
 Six days' notice of trial or assessment to be given, s. 29.  
 Plaintiff to make up record upon assessment, s. 30.  
 Plaintiff neglecting to proceed to trial, &c., after notice, defendant entitled to costs and non-suit, s. 31.  
 Plaintiff not proceeding to trial at the next or second sittings after issue joined, defendant may move for non-suit as in Queen's bench, s. 32.  
 Not proceeding to trial upon peremptory undertaking, judgment of non-suit may be entered on third day of next term, unless leave obtained, *ib.*  
 Courts may issue writs of subpoena, s. 33.  
 Queen's bench may issue subpoenas to compel attendance at a county court of witnesses residing out of the jurisdiction, s. 34.  
 Allowance to witnesses, *ib.*  
 Judge may postpone trial or assessment upon terms, s. 35.  
 Defendant may pay money into court as in Queen's bench, s. 36.  
 Proceedings may be set aside for irregularity, or stayed, as in Queen's bench, s. 37.  
 Statutes of jeofails, &c., to apply, s. 38.  
 In case of demurrer, resort shall be had to Queen's bench practice, s. 39.  
 Judge to issue precepts to summon jurors, &c., s. 40.  
*But see* Jurors' Act, 13 V. c. 55, and amendments.  
 Plaintiff may compute by judge's order, on bills, notes, &c., upon six days' notice, tax costs, and enter final judgment, s. 41.  
 Final judgment in other cases may be entered on third day of term after verdict or non-suit, s. 42.  
 New trials may be granted as in Queen's bench, s. 43.  
 All rules which in Queen's bench would be four-day rules, to be two-day rules, returnable on the third day (inclusive) after service, *ib.*

## COUNTY COURTS,

In all other cases, half of the periods in Queen's bench to be allowed, and judgment pronounced on the first Wednesday in term, unless postponed, *ib.*

In what cases, and how, execution may be taken out in other counties, s. 44.

In bailable suits plaintiff to declare within the first four days after return day of process, and proceed to judgment and execution within two terms after, unless further time granted or plaintiff delayed by defendant—otherwise defendant supersedable as in Queen's bench, s. 45.

Defendant in custody to plead within four days after declaration, or plaintiff may sign judgment, &c., s. 46.

Court may order reference to arbitration as in Queen's bench, s. 47.

Courts to have the same powers to enforce regulations as the Queen's bench, and may fine or imprison, s. 48.

Writs of fi. fa. and ca. sa. may be issued as in Queen's bench, s. 49.

Recognizances of bail may be entered of record as in Queen's bench, s. 50.

Court of Queen's bench may send issues to be tried in court of county where the venue is laid, s. 51.

Proceedings in such case and return, *ib.*

A fuller report to be made by the judge if required, *ib.*

Notilce of trial and countermand same as in Queen's bench, s. 52.

Proceedings after return of the verdict, s. 53.

Power of the judge as to amendment, *ib.*

Writs of enquiry from Queen's bench may issue to county courts, s. 54.

What return to be made, *ib.*

When judgment may be entered after, *ib.*

Proceedings to set aside proceedings under writ of trial or enquiry, s. 55.

Court of Queen's bench to make rules of practice concerning such writs, s. 56.

Appeal given to Queen's bench, on points of law, on security being given, s. 57.

County judge to certify pleadings &c., to Queen's bench; matter to be there argued, *ib.*

Queen's bench to direct the court below, and award costs, *ib.*

Commencement of the act, s. 58.

Continuance of pending suits, *ib.*

Executions on judgments of former district courts, *ib.*

County court costs only to be allowed in Queen's bench suits within the jurisdiction of the county court, unless the judge certify in open court, immediately after verdict, s. 59.

Defendant's extra costs to be allowed, and set off against plaintiff's costs, *ib.*

Treasurer of the county to be the receiver of fees, s. 60.

To be allowed four per cent on gross amount, s. 61.

Judge's salary not to exceed £500, nor be less than £250; amount to be fixed by the Governor in council, *ib.*

## COUNTY COURTS,

Clerks to keep accounts of all process and proceedings mentioned in schedule : and receive fees for the fee fund, s. 62.

Accounts to be audited by the judge, *ib.*

No fee to be charged for searching appearance or plea book, *ib.*

Fees to be as in schedule, s. 63.

Clerk to account to treasurer and pay over quarterly, s. 64. ]

Amount to be applied in payment of judge's salary, *ib.*

Treasurer to account to inspector general, and pay over balance to receiver general twice a year, s. 65.

The governor may issue warrant for any deficiency in fee fund to pay judge's salary, s. 66.

Treasurer's accounts to be public accounts, s. 67.

Mode of enforcing payment of moneys not paid over by treasurers or clerks, ss. 68, 69.

Treasurers and clerks to give security, s. 71.

Former commissions of judges or clerks confirmed, s. 72.

Courts to be deemed the same courts as if held under former acts, *ib.*

Clerk's office to be in the court house—and office open from ten till three, and in term time from 9 till 4, s. 73.

Interpretation clause, s. 74.

Fees to be those, in schedule, s. 75.

Schedule of fees.

## 9 V. c. 7—1846.

Additional fees established as per schedule, s. 1.

Judge in vacation may set aside interlocutory judgments, grant order for time to plead, and security for costs, s. 2.

Section 6 of 8 V. c. 13 repealed ; court to be held four times a year and when, s. 3.

What shall be a return day, *ib.*

First and last days of periods limited by 8 V. c. 13, or rules or orders under it to be inclusive, *ib.*

Schedules.

## 9 V. c. 36—1846.

Judges to hold office during pleasure, s. 1.

May be removed by Governor without address from either house, s. 2.

## 12 V. c. 63—1849.

Appeals to lie from county courts, &c., to Common pleas as well as Queen's bench, s. 47.

## 12 V. c. 66—1849.

Sections 7, 8, 25 of 8 V. c. 13 repealed, s. 1.

Original process and proceedings in non-bailable actions, s. 2.

And in bailable actions, s. 3.

Original, alias, or pluries writs of ca. re., how obtainable, s. 4.

Proceedings upon holding to bail, *ib.*

Attornies and members of assembly may be sued in, s. 5.

Who exempt from arrest, *ib.*

Judges in vacation may make orders, s. 6.

COUNTY COURTS,

Actions to lie on recognizances of bail whatever the amount, s. 7.

Aggregate of different counts exceeding jurisdiction, not to be a ground of demurrer, s. 8.

Venire, form of, s. 9.

Judgment, *non obstante veredicto*, s. 10.

Suspension of proceedings on notice of appeal, s. 11.

Clerk's office where to be kept, and office hours, s. 12.

13, 14 V. c. 52—1850.

Superior courts to have a concurrent jurisdiction, s. 1.

Proviso, as to costs, *ib.*

Papers to be endorsed "Inferior jurisdiction," *ib.*

Writs of summons and pleadings may be served in any county, s. 2.

Writs against lands or goods may be issued into any county, s. 3.

Actions may be brought in the county where the defendant resides, or debt contracted, at plaintiff's option, s. 4.

Judges of county courts may grant summons and make orders to compute in certain cases in actions pending in superior courts, s. 5.

16 V. c. 20—1852.

Judge whose commission of oldest date to be the judge of the county court, others to be junior judges, s. 1.

Junior judges to preside over division courts; their powers generally, *ib.*

In case of illness or absence of senior judge, junior judge may preside also in county court, but not as chairman of quarter sessions, s. 2.

16 V. c. 175—1853.

Plaintiff may sue out bailable process during pendency of suit, s. 3.

18 V. c. 20—1854.

In case of the judge's unavoidable absence, judge of any other county may act in his place, s. 1.

Or such absent judge may appoint a deputy being a barrister of not less than five years standing, *ib.*

Power of such deputy, s. 2.

Notice of his appointment to be sent to the Governor, *ib.*

Appointment not to exceed three months without renewal of notice, *ib.*

Appointment may be annulled by the Governor, *ib.*

Sheriff, may adjourn the court in the absence of the judge from day to day, s. 3.

Act to be in force one year, *ib.* (Year expires 18th December, 1855.)

COUNTY COURTS, EQUITY JURISDICTION,

16 V. c. 119—1853.

To have equity jurisdiction in certain matters, viz: (ss. 1, 2.)

1. Partnership accounts not exceeding £200 where partnership dissolved or expired.

## COUNTY COURTS,

2. Debt of person deceased not exceeding £50 out of assets not exceeding £200.
3. Legacies, not exceeding £50 out of deceased's assets not exceeding £200.
4. Residuary legatee seeking account for share of assets not exceeding £200.
5. Executors seeking to have the estate administered under direction of the court, assets not exceeding £200.
6. Foreclosure of mortgages not exceeding £50.
7. Redemption of mortgages not exceeding £50.
8. Any other equitable matter not exceeding £50.
9. Injunctions to restrain waste for one month.

Form of the claim, s. 3.

Proceedings thereon, s. 4.

Form of summons, s. 5.

Copy of writ and claim to be served, s. 6.

Hearing—examination of parties, s. 7.

Order to be made, *ib.*

Oral evidence to be on oath, *ib.*

County judge to decide all cases, unless jury required, s. 8.

Rules of decision to be as in court of chancery, s. 9.

Court may enforce its orders, *ib.*

Sheriff, &c., to assist, *ib.*

Claim may be amended, how, s. 10.

Orders, how enforced, s. 11.

Court may order production of books, &c., s. 12.

Orders not to be quashed for want of form, s. 13.

Summons, when to be served, s. 14.

Costs to be in discretion of the judge, s. 15.

Affidavits in, may be sworn before commissioners, s. 16.

Claims may be removed in certain cases to court of chancery, s. 17.

Appeal given to the court of chancery from the court below, s. 18.

Court of chancery to make regulations for practice under the 17th and 18th sections, *ib.*

To frame general rules and orders under this Act, s. 19.

Certain fees payable to the fee fund, s. 20.

Other fees payable to the clerk of the county court, s. 21.

No costs to be allowed in chancery for any proceeding within the county court jurisdiction, s. 22.

This Act and other county courts Acts to be construed as one, s. 23.

Interpretation clause, s. 24.

Short title of this Act, s. 25.

Schedules of forms, fees, &c.

## COUNTY MUNICIPAL RATES,

16 V. c. 182—1853.

Estimates to be made, s. 31.

By-law to be made for raising the amount, *ib.*

Deficiency, how to be made up, *ib.*

Excess, how to be appropriated, *ib.*

## COUNTY MUNICIPAL RATES,

Assessment-rolls of the different townships to be examined by the county council for the purpose of equalising, s. 32.  
 Apportionment of county rates to be based upon the assessment-roll of the preceding year, s. 33.  
 Apportionment as between townships and towns, &c., *ib.*  
 Proviso as to new municipalities, *ib.*  
 County council to direct by by-law what part of any sum required for county purposes shall be levied in any township, &c., s. 34.  
 Certain special enactments not to be affected, *ib.*

## COUNTY TREASURER,

12 V. c. 81—1849.  
 To be appointed by county council, s. 171.  
 Duties of, s. 172. (*as amended by* 13, 14 V. c. 64.)  
 Duration of office, s. 173.  
 Books, papers and moneys, &c., to be the property of the municipality, s. 174.  
 Fraudulent embezzlement of, how punishable, *ib.*  
 16 V. c. 182—1853.  
 To give security, s. 76.  
 To be accountable to the Crown for moneys raised under the Public Buildings' Act, (13, 14 V. c. 68,) s. 83.

## COURT-HOUSE,

32 G. 3, c. 8—1792.  
 To be erected in each district;—now in each county being a separate municipality.

## COURTS (GENERALLY),

See Appeal and Error—Assize and Nisi Prius—Chancery—Common Law Courts—County Courts—Division Courts—Error and Appeal—Heir and Devisee—Justices of the Peace—Oyer and Terminer—Practice Court—Probate Court—Quarter Sessions—Queen's Bench—Recorder's Court—Surrogate Court—and *Supplement*.

## COURTS OF SUPERIOR JURISDICTION,

9 V. c. 33—1846.  
 £6000 granted to enable the Law Society to provide for the accommodation of, in Upper Canada, s. 1.  
 To be raised by debentures, ss. 2, 3.  
 Certain sums mentioned in schedule to be levied on proceedings at law and in equity for payment of principal and interest, s. 4.  
 How the same shall be collected and accounted for, s. 5.  
 A certain plot of land in Toronto to be sold for payment of debentures, s. 6.  
 Debentures may be called in, &c., ss. 7, 8, 9, 10.

18 V. c. 122—1855.

A further sum granted for the same purpose.

## CRAMAHE TOWNSHIP,

For rectifying surveys of side-lines in, 4 G. 4, c. 35.

**CRAMAHE TOWNSHIP,  
CREEK,**

8 V. c. 20—1845.

When not sufficient as fence, s. 11.

**CREDIT HARBOUR COMPANY,**

Incorporated, 4 W. 4, c. 32.

Provincial loan to, authorized, 7 W. 4, c. 70.

**CRIMINALS, EXTRADITION OF,**

*See* Extradition—Fugitive Felons.

**CRIMINAL JURISDICTION, (as regards local extent.)**

37 G. 3, c. 15—1797.

Warrants issued for the apprehension of felons from any of the British North American colonies may be endorsed and executed in Upper Canada, s. 1.

Security being first given to indemnify the province, s. 2.

59 G. 3, c. 10—1818.

Crimes committed in unorganized tracts may be tried in any district, s. 1.

Upon any new county or township being formed comprising such tracts, offences to be tried within the proper district, s. 2.

2 W. 4, c. 2—1831.

Within what district navigable waters shall be taken to lie, s. 1.

Crimes committed upon navigable waters may be tried in any district adjacent thereto, s. 2.

4, 5 V. c. 24—1841.

Offences committed on boundaries of districts, or counties, may be tried in either, s. 40.

Where, when committed during a journey, &c., s. 41.

“ when sides of a highway constitute a boundary, *ib.*

4, 5 V. c. 25—1841.

Act to extend to offences committed without the province, in certain cases, s. 68.

16 V. c. 181—1854.

Parties in prison, or under bail, at the time of dissolution of any union of counties, may be tried in either county, s. 12.

*See also* Justices of the Peace, &c.

**CRIMINAL JUSTICE, COSTS OF ADMINISTRATION,**

*See* Administration of Justice, costs of.

**CRIMINAL LAW AND PROCEDURE (GENERALLY),**

Imp. Act 14 G. 3, c. 83.

Criminal law of England to be in force, subject to amendment by provincial legislature, s. 11.

40 G. 3, c. 1—1800.

Of England, as it stood on 17th September, 1792, to be in force in Upper Canada, s. 1.

Substitution of punishment for burning in the hand, s. 3.

## CRIMINAL LAW AND PROCEDURE (GENERALLY),

Act not to abridge power of courts to imprison, s. 4.

Banishment substituted for transportation, s. 5.

Punishment for return from banishment before sentence expired, s. 6. *But see also* 4, 5 V. c. 24, s. 25.

59 G. 3, c. 10—1818.

Offences committed in Upper Canada without the limits of described townships or counties, triable in any district.—  
*See also* 4, 5 V. c. 24, s. 40.

3 W. 4, c. 3—1833.

Reducing the number of cases in which capital punishment may be inflicted, &c. *See also* 4, 5 V. c. 24, s. 20.

7 W. 4, c. 4—1837.

Distinction between grand and petty larceny abolished, s. 1.  
*See also* 4, 5 V. c. 25.

7 W. 4, c. 6.

For the more effectual punishment of certain offences.

Sentence of death may be commuted by the Governor, except for murder and high treason, s. 3.

Imprisonment after sentence to be reckoned in term of transportation, s. 4.

7 W. 4, c. 7.

Provision if transportation of convicts cannot be carried into effect, s. 8. *But see also*, 6 V. c. 5, s. 4.

7 G. 4, c. 3—1826.

Pronouncing sentence of death dispensed with in certain cases. *See also* 4, 5 V. c. 24, s. 33.

6 W. 4, c. 44—1836.

Prisoners charged with felony allowed to defend by counsel, s. 1. *See also* 4, 5 V. c. 24, s. 9.

And whether with felony or misdemeanor, entitled to copy of indictment, s. 2. *See also* 4, 5 V. c. 24, s. 9.

4, 5 V. c. 24—1841.

Act for improving the administration of criminal justice.

*Superseding, though without expressly repealing many similar provisions in* 3 W. 4, c. 2 and 3, *which see.*

Any person charged with felony, may, on strong presumptive evidence, be committed by one or more justices, s. 1.

If only one justice present, and evidence not conclusive, party to be detained and taken before two justices, *ib.*

When taken before two justices, and the evidence not amount to a strong presumption but sufficient for inquiry, such party may be admitted to bail by such two justices, *ib.*

Before bail or commitment, examination of the party, and information of witnesses, to be taken in the presence of the party accused, s. 2.

Witnesses may be summoned and bound over to appear, *ib.*

Examinations, &c., to be subscribed by the justice or justices and delivered to the proper officer before trial, *ib.* *See also* 16 V. c. 179.

Duty of justices on charges of misdemeanor, s. 3.



## CRIMINAL LAW AND PROCEDURE (GENERALLY),

No traverse or postponement of trial allowed in misdemeanor except upon special cause shewn, *ib.*

Coroners upon inquisitions in cases of manslaughter or murder, &c., to put the evidence in writing in presence of the party accused, if he can be apprehended, s. 4.

And may bind over witnesses, *ib.*

Coroners to certify and subscribe such evidence, &c., and deliver the same to the proper officer before trial, *ib.*

When a party has been committed and applies for bail before a superior court, the committing justices, on notice thereof to forward a certified copy of all informations, &c., to the clerk of the crown, s. 5.

The same order to be made by the judge as upon *habeas corpus*, s. 6.

Penalty on justices and coroners for neglect, in discretion of the court, s. 7.

Provisions of this act to apply to all justices and coroners, s. 8.

Persons tried for felony, may defend by counsel, s. 9.

Counsel allowed in cases of summary conviction, s. 10.

Court may order prisoners, or debtors upon the limits, to be brought up, s. 11.

Prisoner on limits not to be removed beyond them, *ib.*

Prisoners entitled to copies of depositions on payment of charges, s. 12.

Entitled upon trial to inspect depositions, s. 13.

Plea of "not guilty" sufficient to put party on trial without further form, s. 14.

In case of refusal to plead, the court may order such plea to be entered, s. 15.

Every challenge beyond the legal number to be void, s. 16.

Attainder of another crime not pleadable in bar, s. 17.

Jury not to inquire of prisoner's lands, &c., nor flight, s. 18.

Benefit of clergy abolished, s. 19. *See also* 3 W. 4, c. 3, s. 25.

What felonies only shall be capital, s. 20.

Every punishment for felony (not capital) after it has been endured, shall operate as a pardon, s. 21.

No misdemeanor (except perjury) shall render a party incompetent as a witness after punishment endured, s. 22.

Officers of the court to be paid their fees out of the public funds, s. 23.

No fees demandable or payable by a party charged with felony, *ib.*

All felonies (not capital) to be punishable under the act relating thereto; but if there be none, and in cases not provided for, then under this act, s. 24.

Persons unlawfully returning from banishment or transportation to be guilty of felony, and how punishable, s. 25. *See also* 3 W. 4, c. 3, s. 25.

Allegation of sentence &c., to be sufficient in any indictment without alleging indictment or conviction, &c., s. 26.

Certificate of clerk of the court of such sentence to be sufficient evidence, s. 27.

Court may order hard labour as well as imprisonment and solitary confinement in cases under this act, s. 28.

## CRIMINAL LAW AND PROCEDURE (GENERALLY),

- A second sentence may be passed upon convict, to commence after the expiration of the first, s. 29.  
 Punishment in case of subsequent conviction for felony, s. 30.  
 Punishment of the pillory abolished, s. 31.  
 No report necessary to the Governor in cases of capital conviction, s. 32.  
 Sentence of death may be recorded only, in certain capital convictions, in the discretion of the court, s. 33.  
 Such record to have the effect of sentence pronounced, s. 34.  
 Court to order execution in certain cases, s. 35.  
 Royal prerogative of mercy not to be affected, s. 36.  
 Accessories before the fact, how tried, s. 37.  
 Accessories after the fact, how tried, s. 38.  
 Accessories may be convicted without attainder of principal, if such principal be in anywise convicted, s. 39.  
 Offences committed on the boundaries of districts, &c., may be tried in either, s. 40.  
 Committed during a journey or voyage, where tried, s. 41.  
 Where sides of any highway constitute boundaries, offenders may be tried in either district, *ib.*  
 Partnership property may be laid in the name of one partner in indictments, s. 42.  
 Indictments relating to churches, bridges, or public buildings, need not allege property in any person, s. 43.  
 Property of turnpike trustees may be laid in their names, s. 44.  
 Indictments not to abate by plea of misnomer, &c., but may be amended in court, s. 45.  
 Indictments after verdict not to be vitiated for certain defects, s. 46.  
 Judgment not stayed or reversed after verdict for certain formal defects, s. 47.  
 Free, or conditional pardon, effect of, s. 48.  
 Recognizances not to be estreated in certain cases without judge's order, s. 49.  
 Rule of interpretation for this and all criminal law acts, s. 50.  
 Repugnant Acts repealed, s. 51.  
 Imprisonment in the Penitentiary to be reckoned from the date of sentence, s. 52.

## 6 V. c. 5—1842.

- For better proportioning the punishment to the offence.  
 Cases in which offender may be sent to penitentiary for less than three years, ss. 2, 3. *But see also* 14, 15 V. c. 2, s. 2.  
 Imprisonment in penitentiary substituted for transportation, s. 4.  
 Assault, with intent to commit rape, &c., how punishable, s. 5.

## 12 V. c. 21—1849.

- Indictment for stealing may contain a count for feloniously receiving, &c., s. 1.  
 Prosecutor not to be put to his election, but verdict of guilty may be found on either, *ib.*  
 As to indictment against two or more persons, *ib.*

## CRIMINAL LAW AND PROCEDURE (GENERALLY),

Indictment may in all cases be amended by order of court in matters of variance as to writings produced, s. 2.

14, 15 V. c. 13—1851.

Questions of law upon criminal trials may be reserved for consideration of one of the superior courts of common law, s. 1.

Case to be stated and certified, s. 2.

Powers of the superior court, &c., *ib.*

How judgment shall be delivered, s. 3.

Case may be sent back for amendment, s. 4.

Proceedings upon writ of error, s. 5.

Punishment for forging certificates, &c., under this act, s. 6.

Act to extend only to Upper Canada, s. 7.

Form of judgment—schedule.

18 V. c. 92—1855.

Indictments amendable at trial in matters of variance immaterial to the merits, s. 1.

Proceedings after amendment, *ib.*

Proviso as to challenges in case of a second jury, *ib.*

After amendment, verdict and judgment to have the same effect as on original indictment, s. 2.

Formal record, when necessary, after amendment, may be drawn up without noticing amendment, s. 3.

Record of conviction, or acquittal, how to be drawn up, s. 4.

Judges may make further rules, *ib.*

Indictment need not be on parchment except in cases of high treason, s. 5.

What averment sufficient in indictment for murder, s. 6.

“ for manslaughter, *ib.*

What a sufficient description of instrument in indictment for forging, uttering, stealing, &c., any, s. 7.

What in indictment for engraving or having possession of any plate or paper, &c., s. 8.

What in other cases where averment of instrument necessary, s. 9.

General allegation of intent to defraud sufficient, without alleging any particular person, s. 10.

What sufficient proof in such cases, *ib.*

Punishment for obtaining property with intent to defraud, s. 11.

What averment of false pretences sufficient in indictment, s. 12.

Persons indicted for felony or misdemeanor, may be found guilty of the attempt only, and how punishable, s. 13.

Not to be tried again on the same facts, *ib.*

Upon trial for larceny, accused may be found guilty of obtaining property under false pretences, and how punishable, s. 14.

Not to be tried again on same facts, *ib.*

Provision where the indictment is for misdemeanor, and the evidence proves a felony, s. 15.

Court may order new trial in its discretion, *ib.*

Where the indictment is for embezzlement, and the evidence proves a felony, or *vice versa*, s. 16.

## CRIMINAL LAW AND PROCEDURE (GENERALLY),

Punishment, *ib.*

Party not to be tried again upon the same facts, *ib.*

Where persons indicted for receiving jointly are proved to have received separately, s. 17.

Any number of accessories or receivers may be tried, altho' indictment does not include principal felon, s. 18.

Where indictment for larceny is for one taking, and several takings appear, s. 19.

What averments and proof sufficient under indictment referring to money or bank notes, s. 20.

And in cases of embezzlement, *ib.*

What averments shall be sufficient in indictments for perjury, s. 21.

What sufficient in indictments for subornation of perjury, s. 22.

Where the perjury has not been actually committed, *ib.*

What shall be sufficient evidence of the trial at which the perjury is alleged to have been committed, s. 23.

Venue, how to be stated in indictments, s. 24.

Matters unnecessary to be proved need not be averred, s. 25.

Objections founded on formal defects, when to be taken, and how amended, s. 26.

Form of plea of *autre fois convict* or *acquitted*, s. 27.

Punishment of persons found by night armed, or having instruments for housebreaking, or disguised, in any house, s. 28.

Administering chloroform with intent to commit felony, to be felony, s. 29.

Punishment therefor, *ib.*

Unlawfully and maliciously wounding, with or without any weapon, or unlawfully and maliciously cutting, stabbing or wounding any person, misdemeanor, and how punishable, s. 30.

Defendant indicted for felony by cutting, stabbing or wounding, may be found guilty of cutting, &c., though the felony be not found, s. 31.

Punishment therefor, *ib.*

Maliciously doing certain things to cause accidents upon railways, felony, s. 32.

Punishment therefor, *ib.*

Maliciously throwing, &c., any thing against a railway carriage with intent to injure any one, felony, s. 33.

Punishment therefor, *ib.*

Setting fire to stations, &c., or goods therein, felony, s. 34.

Punishment therefor, *ib.*

Setting fire to stacks of corn, grain, coals, wood, &c., felony, s. 35.

Punishment therefor, *ib.*

Stealing passage tickets for railways, steamboats, &c., felony, s. 36.

Punishment therefor, *ib.*

Forging or uttering such tickets, felony, s. 37.

Punishment therefor, *ib.*

Obtaining passage on railways, steamboats, &c., by false tickets, misdemeanor, s. 38.

**CRIMINAL LAW AND PROCEDURE (GENERALLY),**

Punishment therefor, *ib.*

Commission of the peace need not be read at opening of quarter sessions in Upper Canada, s. 39.

Any person may arrest offenders against this Act found committing any offence, or any indictable offence, in the night, s. 40.

Punishment of offenders assaulting persons arresting them, &c., s. 41.

Night, what shall be deemed in cases under this act, s. 42.

Commissions of assize, &c., not to be hereafter issued in Upper Canada—courts to be held without them, s. 43.

Proviso ; special commissions may issue, *ib.*

Officer whose duty it was to issue such commissions, to notify to courts and sheriffs the names of associate justices, and to notify such associates, s. 44.

Queen's counsel to be associate judges, s. 45.

Interpretation clause, s. 46.

Forms of indictment which may be used, s. 47.

*See also Forgery—Justices of the Peace—Larceny—Malicious injuries to property—Malicious injuries to the person,—Punishment—the several offences and proceedings &c. by name,—and Supplement.*

**CROWN CLAIMS FOR LOANS TO COMPANIES,**

*See Claims, &c.*

**CROWN, DEBTS OWING TO,**

14, 15 V. c. 9—1851.

Instruments creating, not to charge lands as against subsequent purchasers unless registered in Queen's bench at Toronto, s. 1.

To be registered in a separate book, s. 2.

How lands may be released, s. 3.

Fees to clerk of court, s. 4.

Existing securities to be registered within a certain time, s. 5.

**CROWN, DEMISE OF,**

7 V. c. 3—1843.

Provincial parliament not to be dissolved by, s. 1.

Saving Her Majesty's rights, s. 2.

**CROWN LANDS,**

*See Public Lands.*

**CROWN PATENTS,**

*See Public Lands.*

**CRUELTY TO ANIMALS,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for preventing, s. 60.

**CULLING TIMBER,**

*See Lumber.*

## CURRENCY,

2 G. 4, c. 13—1821.

No costs or interest allowed on any note or instrument payable in New-York currency, s. 1.

No render of account to be a demand, nor acknowledgment thereof received in evidence, unless rendered in provincial currency, s. 2.

No shop-books to be received in evidence, unless kept in provincial currency, s. 3.

Act to be read at quarter sessions, s. 4.

*As to what is now Provincial Currency, see 16 V. c. 158.*

12 V. c. 20—1849.

Counterfeiting any coin, current in the province, to be a misdemeanor; second offence, felony, s. 1.

Certain differences between true and false coin, not to be ground of acquittal, s. 2. *See also 16 V. c. 158.*

16 V. c. 158—1853.

Certain former Acts repealed, s. 1.

Legal denominations of money to be pounds, dollars, shillings, pence, cents and mills, s. 2.

Pound, currency, value of, s. 3.

Dollar, " " *ib.*

Certain gold coins to be a legal tender, *ib.*

Pound, sterling, to be equal to £1 4s. 4d., or \$4.86  $\frac{2}{3}$  currency, s. 4.

British sovereign, and other gold coins, of lawful weight, to be a legal tender at the said rate, *ib.*

Proviso, as to the meaning of the word "sterling" in contracts, &c., before passing this Act, s. 5.

Public accounts to be kept in such of the denominations as Her Majesty shall direct, s. 6.

Silver coins may be coined at the mint, for this province, s. 7.

Silver coins of the United Kingdom, their legal value, &c., s. 8.

No other silver coins to be legal tender, *ib.*

Tender of silver coin limited to £2 10s., s. 9.

What copper coin shall be a legal tender, s. 10.

Tender of copper coin limited to one shilling, *ib.*

Rates at which American gold coin shall be current, s. 11.

And other foreign gold coin, s. 12.

Counterfeiting coin, or uttering counterfeits &c., to be a misdemeanor, s. 13.

Subsequent offence to be felony, *ib.*

Making dies, stamps, &c., for counterfeiting, or having same in possession, to be a misdemeanor, s. 14.

Warrants to search for, may issue, s. 15.

Counterfeit coin tendered in payment may be broken, s. 16.

Produced in court, to be broken, s. 17.

Wilfully tendering light gold coin, to be a misdemeanor, s. 18.

Evidence, s. 19.

Commencement of act to be fixed by proclamation, s. 20.

*This Act came into force on the 1st August, 1854, under Proclamation dated 5th July, 1854.*

## CUSTOMS,

10, 11 V. c. 31—1847.

Act to repeal and consolidate laws relating to.

Certain former Acts repealed, s. 2.

*Section 3 which declared Duties imposed by this Act to be in lieu of all duties, is repealed by 12 V. c. 1.*

Currency, weights, and measures, s. 4.

Management Act, 8 V. c. 4, to apply to duties under this Act, s. 5.

Regulations and orders, not inconsistent, to remain in force, s. 6.

Officers, new appointments of, not required, bonds to remain in force, s. 7.

Goods not to be unladen, except after due entry, under penalty of forfeiture, s. 8.

At what places only goods may be imported, s. 9.

Goods forfeited, if carried past the custom-house, or removed before permit, &c., *ib.*Vessel forfeited in certain cases, *ib.*Detainer of vessel, *ib.*Forfeiture of carriage, &c., if goods imported by land, &c., *ib.*

Report to be made by the master of vessel, arriving from sea, or coastwise, s. 10.

Penalty for contravention, *ib.*Goods not reported, to be forfeited, *ib.*Governor in council may declare what shall be a coasting voyage, *ib.*What inland navigation, *ib.*May relieve coasters, *ib.*Proviso as to lightening vessels, *ib.*

Report to be made on importation by land, or inland navigation, s. 11.

Goods unladen, &c., without being reported, to be forfeited, *ib.*Penalty for untrue report, &c., *ib.*

Within what time entries shall be made of goods brought by sea, or from any place without the province, s. 12.

When brought by inland navigation, *ib.*In undecked vessels, *ib.*Bill of entry inwards, or outwards, *ib.*Duties to be paid down, unless goods warehoused, *ib.*Warrant for unlading, and permit, if required, *ib.*For want of entry, goods may be taken to the warehouse and sold if duties not paid within a certain time, *ib.*Proviso, where goods not landed at the first port, *ib.*

Entry inwards by bill of sight, how, and in what cases, s. 13.

Deposit of money for duty, *ib.*Provision, where perfect entry not made as stipulated, *ib.*

Written authority of agent may be required, s. 14.

Agent's acts to bind the principal, *ib.**Section 15 relating to the value for ad valorem duties, is repealed by 12 V. c. 1, s. 1; which see.*

Collector may require further proof of proper entry, &amp;c., s. 16.

Packages containing contents unknown may be opened, s. 17.

Goods not corresponding with entry to be forfeited, s. 18.

Suspected packages may be opened, *ib.*

## CUSTOMS,

- Abatement, on damaged goods, s. 19.
- Damages, how ascertained, *ib.*
- Remuneration to the examiners, *ib.*
- Return of duties on goods lost, &c., s. 20.
- Crown goods, and others exempt from duties to become liable to duty if sold, s. 21.
- Forfeiture of, if duties not paid, *ib.*
- Allowance for tare, &c., to be fixed by Governor in council, s. 22.
- What shall be warehousing ports, s. 23.
- Goods may be entered for export, or warehoused, without payment of duties, subject to regulations, s. 24.
- Sorting, and repacking, &c., *ib.*
- Samples may be taken, *ib.*
- Goods may be removed to any other warehouse under bond, &c., *ib.*
- Passing onwards from a frontier port, *ib.*
- Goods to be finally cleared within two years, *ib.*
- Exception, *ib.*
- Otherwise, may be sold, *ib.*
- Warehouse rent, *ib.*
- Whole packages may be abandoned for duties, *ib.*
- Goods taken out of bond for export, and relanded, &c., to be forfeited, s. 25.
- Goods taken out of warehouse, liable to the same duties as if then imported, s. 26.
- Cattle and swine may be slaughtered, &c., and grain ground, in bond, under certain regulations, s. 27.
- Proviso, as to flour, meal, and provisions, *ib.*
- Property in bond, how transferable, s. 28.
- Transfers to be entered by collector in a book open to the public, *ib.*
- Sales to be of whole packages only, *ib.*
- Allowance for leakage, &c., s. 29.
- Charges for unshipping, landing, &c., to be paid by importer, s. 30.
- Entry of vessel, outwards, how made, &c., s. 31.
- Penalty for leaving without a clearance, &c., *ib.*
- Goods entered for warehousing, to be deemed warehoused in certain cases, s. 32.
- Bond to be given on entry for exportation, s. 33.
- Duty-paid goods may be marked, s. 34.
- Penalty for forging marks, &c., or selling goods with counterfeit marks, s. 35.
- Penalty for counterfeiting or using counterfeited papers, &c., s. 36.
- For forging certificates, *ib.*
- Offering goods for sale, pretended to have been smuggled, subject to forfeiture, and penalty, s. 37.
- Officers of customs, or persons employed under 8 V. c. 4, to be deemed employed for prevention of smuggling, s. 38.
- With power to search, &c., *ib.*
  - " to detain vessels, carriages, &c., *ib.*
  - " to seize in certain cases, *ib.*
  - " to call on persons to assist, *ib.*



**CUSTOMS,**

Reasonable cause of suspicion to be a justification, *ib.*

Penalty for refusing to stop, *ib.*

Penalty for refusing to assist, *ib.*

Certain offences made felony, s. 39, viz :

Obstructing, assaulting or resisting officers, &c.

Firing at H. M. vessels.

Wounding persons in H. M. service.

Having goods liable to seizure and being armed or disguised.

Destroying vessels, or goods.

Or any custom house, &c.

Company of persons (five or more together) found with smuggled goods, to be guilty of misdemeanor, s. 40.

Penalty for hiring persons to assist in smuggling, s. 41.

Vessels found hovering within one league of the coast may be boarded and examined, s. 42.

Continuing to hover 24 hours, may be brought into port, *ib.*

Penalty for not obeying the officer boarding, *ib.*

Penalty for harbouring smuggled goods, s. 43.

Vessels, &c., used in conveying goods liable to forfeiture, to be forfeited, s. 44.

Penalty for assisting in landing, &c., such goods, *ib.*

Persons taking away goods, &c., seized to be guilty of felony, s. 45.

To what place goods seized are to be taken, s. 46.

Smuggled goods stopped on suspicion of being stolen and taken to police office, how dealt with, s. 47.

Penalty on police officer neglecting to obey this section, *ib.*

Vessel and goods, &c., seized to be deemed condemned if not claimed within a certain time, s. 48.

May be delivered to owners, on security given, *ib.*

Offenders under this act, to give security for penalties and costs, or be imprisoned, s. 49.

Full costs of suit to be recovered by parties suing for penalties, *ib.*

Penalties and costs, how levied, *ib.*

Governor in council authorized to make regulations for passing goods through the provincial canals, &c., s. 50.

Forfeiture of, for contravention, *ib.*

In what courts penalties shall be recovered, s. 51.

In whose name prosecutions to be brought, s. 52.

Mode of conducting such prosecutions, *ib.*

Appropriation of penalties and forfeitures, *ib.*

Power to remit any penalty or forfeiture, *ib.*

Proof of duties paid, to lie on the owner, s. 53.

Cattle and perishable articles seized may be sold, *ib.*

Proceeds restored if the seizure declared null, *ib.*

Proviso : Such cattle or articles may be delivered to the owner upon giving security, *ib.*

How claim to be entered, s. 56.

Claim to things seized not to be valid unless security given ; for penalty and costs, s. 57.

Notice of information, exhibited, to be put in the custom-house, and in the office of the clerk of the court, s. 58.

## CUSTOMS,

Hearing of the cause, *ib.*

Claims to goods, &c., must be made within a certain time, *ib.*

Sales to be by public auction, s. 59.

Notice of action against any officer to be given, s. 60.

What evidence adduced at trial, *ib.*

Officer may tender amends, or pay money into court, and to have full costs if successful, s. 61.

Limitation of actions, s. 62.

Plaintiff to recover nominal damages only without costs if probable cause of seizure &c., certified, ss. 63, 64.

Penalties to be sued for within three years, s. 65.

Appeals to lie as in other cases, s. 66.

Goods to be restored upon appeal, when security given, but the crown need not give security, s. 67.

Penalty for false declaration or answer where not otherwise provided, s. 68.

Writs of assistance, how obtainable, s. 69.

Permit certifying duties paid, to be granted on request of owner, s. 70.

Any officer conniving at evasion of revenue laws, or accepting bribe, &c., to forfeit £500 and be incapable of holding office, s. 71.

Penalty £500 for bribing any officer, *ib.*

Governor in council authorized to make regulations for slaughtering cattle—grinding corn, &c. in bond,—branding or marking goods—tare—coasting trade—ports of entry—passing canals—exempting produce of grain or logs from duty—warehouses—transfer of goods in bond, &c.—distribution of penalties,—and other purposes, s. 72.

All such general regulations to have the effect of special orders, *ib.*

May authorize the taking of bonds, *ib.*

Penalties for contravention thereof, s. 73.

Copies of orders in council to be evidence thereof, s. 74.

Bonds, by whom to be taken, s. 75.

To be given before delivery of goods, *ib.*

Blank forms to be kept at the custom house, s. 76.

Duties over paid not returnable after three years, s. 77.

Time of importation, &c., defined, s. 78.

“ of exportation, *ib.*

“ arrival and departure of vessels, *ib.*

Interpretation clause, s. 79.

*The duties payable under this Act are repealed and others substituted by the next Act.*

12 V. c. 1—1849.

The 3rd and 15th sections of the 10, 11 V. c. 31, 1847, repealed, s. 1.

New duties (as per schedules) imposed instead of those levied under the above Act, s. 2.

*Section 3 is repealed by sect. 2 of 16 V. c. 85,*

Unenumerated articles to bear the same duty as similar enumerated articles, s. 4.

Packages to be deemed goods, *ib.* (*See also 16 V. c. 85, s. 3.*)

## CUSTOMS,

Appraisers to be appointed for the valuation of goods, subject to *ad valorem* duties, s. 5.

Appraiser's oath, *ib.*

If no appraiser appointed, collector to act as such, *ib.*

*Section 6 providing how ad valorem duty shall be estimated is repealed by 16 V. c. 85, s. 3.*

Entry, without invoice, insufficient, except in certain cases. Bond to be given for producing invoice, where goods entered by bill of sight, s. 7.

Invoice to be attested by oath of owner, &c., s. 8. (*See also 16 V. c. 85, s. 5*).

Bill of entry to mention value for duty, and to be attested, *ib.*

Party entering may add to the value by invoice, so as to state true value, s. 9.

Provision in case of the death, &c., of the owner, importer, &c., s. 10.

Where more than one owner, s. 11. (*See also 16 V. c. 85, s. 5*).

Before whom attestations may be made, s. 12.

Governor in council may appoint other persons, or relax requirements as to oath, *ib.*

Act not to apply to absent owners during limited period, s. 13.

Appraiser or collector may examine owner, &c., as to the true value of goods, s. 14.

Penalty £12 10s. for refusing to attend, *ib.*

Goods to be forfeited in case of false swearing, *ib.*

Importer may appeal against appraisement, and appraisement to be then made by two merchants, &c., s. 15. (*See also 16 V. c. 85, s. 3*).

One-half more duty to be collected where additional value ascertained by appraisement exceeds 20 per cent, *ib.*

Collector authorized to take goods for duties, s. 16.

Collector may take the whole, or any distinct parcel of goods, at the prices mentioned in bill of entry, adding 10 per cent and charges, s. 17.

Goods so taken, how to be dealt with, *ib.*

Collector may cause packages to be opened, s. 18.

Goods to be forfeited where not invoiced, undervalued, or false statement on entry, &c., *ib.*

Smuggling goods, or using forged or fraudulent invoice to evade duty, to be a misdemeanor, and subject to a penalty not exceeding £50, s. 19, *ib.*

Value of goods, duty free, to be stated in bill of entry, s. 20.

Governor may require statistical information as to exports, to be given to the officer of customs, s. 21.

Bonds for duties on warehoused goods may be dispensed with in certain cases, s. 22.

Attorney or agent may act in certain cases, s. 23.

Any one partner may bind the firm, &c., s. 24.

Not less than a certain quantity to be taken out of warehouse at one time, s. 25.

*Section 26 relates only to proceedings in Lower Canada.*

Regulations made by Governor in council may require oaths &c., s. 27.

## CUSTOMS,

Affirmation may be made instead of oath, s. 28.

This Act to be construed as part of the amended Act 10, 11 V. c. 31, s. 29.

Bonds given for ordnance stores in 1848, to be void, and no duties payable, s. 30.

Duties may be increased by Governor in council when required to maintain the public faith, s. 32.

Schedules of duties and forms.

13, 14 V. c. 3—1850.

Governor in council may declare articles being the growth, or produce of British North American provinces, to be or not to be subject to duty, s. 1.

But not to impose duty on articles otherwise free, *ib.*

13, 14 V. c. 5—1850.

Articles not enumerated in schedule to 12 V. c. 1 may be admitted, subject to 2½ per cent. duty, by order in council, s. 1.

Military clothing, wines, &c., to be free, s. 2.

16 V. c. 85—1853.

Certain duties imposed by 12 V. c. 1, 1849, reduced, s. 1.

Certain other articles to be admitted at 2½ per cent. *ad valorem*, *ib.*

Duty on wine reduced, *ib.*

Duty on salt repealed, *ib.*

Seeds of all kinds to be free, *ib.*

Section 3 of 12 V. c. 1, repealed, s. 2.

Part of the 4th sect. of same act, relating to packages, repealed, and new provisions substituted, s. 3.

6th sect. of same act repealed, *ib.*

*Ad valorem* duty, how calculated, *ib.*

Cost of appraisement under the 15th section to be paid by the party dissatisfied with former appraisement whenever the additional value shall exceed 10 per cent of the invoice or bill of entry, *ib.*

What duties payable on spirits flavored, s. 4.

Sections 8, 11 of the 12 V. c. 1, 1849, explained as to verification of invoices, s. 5.

Governor in council may declare what duty payable in doubtful cases; or, that goods are duty free, s. 6.

Warehoused goods fraudulently concealed or removed to be forfeited—and parties concerned liable to penalties for smuggling, &c., s. 7.

Any importer, &c., fraudulently entering any warehouse to forfeit £250, *ib.*

Penalty £125 for altering or defacing any official mark, *ib.*

This act to be construed as one act with the 10, 11 V. c. 31 and 12 V. c. 1, s. 8.

18 V. c. 1—1854.

Articles mentioned in schedule to be free from duty while reciprocity treaty with United States is in force, s. 1.

Governor in council may make orders for carrying out the treaty, s. 2.

## CUSTOMS,

Act 12 V. c. 3 repealed, s. 3.

Schedule of articles duty free.

18 V. c. 5—1854.

Specific and *ad valorem* duties imposed by 12 V. c. 1, 1849, and 16 V. c. 85, 1853, on certain articles enumerated, repealed, s. 1.

Also, certain 30 per cent *ad valorem* duties on articles enumerated, imposed by 12 V. c. 1, s. 2.

And certain 20 per cent *ad valorem* duties on articles enumerated, imposed by said act, and such articles to be free of duty except as provided by section 5, s. 3.

Certain 24 per cent duties on articles enumerated, repealed, and such articles to be free of duty except as in section 5, s. 4.

In case of the reciprocity treaty with the United States being suspended, then the articles mentioned in the schedule to 18 V. c. 1, being the growth or produce of the United States to be subject to the same duties as now, s. 5.

Certain new duties imposed on articles mentioned in schedule, in lieu of those repealed, s. 6.

Act to commence on 5th April, 1855, s. 7.

Provision for refinement of sugar in bond, s. 8.

Interpretation clause, s. 9.

Schedule of duties substituted for those repealed.

18 V. c. 63—1855.

Duties on various kinds of sugar declared, ss. 1, 2, 3.

18 V. c. 81—1855.

Certain things done under reciprocity treaty confirmed, s. 1.

Duty on rum, whiskey, brandy, or other spirits, how to be calculated, s. 2.

See also Revenue, management of.

## CUTTING AND MAIMING,

4, 5 V. c. 27—1841.

With intent to disfigure, &c., or prevent lawful arrest or detainer, to be felony, s. 11.

## D A L

## DALHOUSIE DISTRICT,

Erected, 1 V. c. 25.

Act amended, 2 V. c. 28.

Additional tax in, for gaol and court-house, authorized, 3 V. c. 45.

## DALHOUSIE DISTRICT (INTENDED),

Loan for gaol and court-house, 4, 5 V. c. 76.

**DAMAGES,**

2 W. 4, c. 4—1832.

Against justices of the peace, nominal damages only recoverable in certain cases, unless malice be alleged in declaration in an action on the case, s. 4.

*See also* 16 V. c. 180, s. 12, and Justices of the Peace.

7 W. 4, c. 3—1837.

Recoverable by executors for injuries done to testator's real estate in his lifetime, s. 2.

Recoverable against executors for wrongs done by testator, *ib.*

*See also* Accident—Duelling.

**DARLINGTON,**

*See* Port Darlington.

**DEATH, SENTENCE OF,**

7 G. 4, c. 3—1826.

Pronouncing, dispensed with in certain cases.

7 W. 4, c. 6—1826.

May be commuted by the Governor, except in certain cases, s. 3.

*See also* 4, 5 V. c. 24, s. 48, and 14, 15 V. c. 2, s. 4.

4, 5 V. c. 24—1841.

When it may be recorded only, s. 33.

*See also* Capital Offences—Criminal Law.

**DEBENTURES, PROVINCIAL,**

4 G. 4, c. 24—1824.

Governor authorized to treat with holders for postponing payment of.

*See also* 5 W. 4, c. 31.

7 W. 4, c. 14—1837.

General provisions for—for raising loans under Acts of Parliament of Upper Canada, s. 6.

Debentures receivable by collectors, &c., in payment of duties, *ib.*

Persons paying, to endorse time of payment on, s. 7.

Receiver General to make returns of, s. 9.

Interest on, how payable, s. 10.

Separate warrants to be issued for payment of, s. 11.

How to be called in, s. 12.

Moneys raised by, how to be applied, s. 13.

[*This Act would not seem to apply to debentures or duties under Acts of the Parliament of Canada.*]

*See also* Finance.

**DEBENTURES, MUNICIPAL,**

*See* Municipal Debentures.

**DEBT,**

7 W. 4, c. 3—1837.

On simple contract maintainable against executor, &c., s. 11.

5 W. 4, c. 3—1835.

To mitigate imprisonment for.

**DEBT,**

Arrest for, not allowed for sums under £10, s. 1. *See also* 8 V. c. 48. s. 44, for affidavit to be made.

Ca. sa. not to issue for costs, nor on any judgment under £10 exclusive of costs, s. 2.

*See also* Arrest—Imprisonment for Debt.

**DEBTOR,**

5 W. 4, c. 3—1835.

In execution for sum not exceeding £20, how entitled to discharge, s. 3.

In execution for sums between £20 and £100, and over £100 respectively, how entitled to discharge, s. 4.

Court may examine the matter and order discharge, s. 5.

Affidavit to be made by debtor, s. 6.

Debtor obtaining discharge fraudulently, liable to be again taken in execution, s. 7.

Fraudulent assignment of property by, a misdemeanor, s. 8.

*This Act is made perpetual by* 3 V. c. 6, 1840.

*See* Indigent Debtor—Insolvent Debtor—Gaol Limits.

**DEBTS TO THE CROWN,**

*See* Crown.

**DEBT, PROVINCIAL,**

*See* Public Debt—Finance.

**DECLARATION,**

2 G. 4, c. 1—1822.

When and how to be filed, &c., s. 5.

Form of, which may be used, s. 23.

7 W. 4, c. 3—1837.

To be amended in case of misnomer of defendant, s. 8.

May be amended for variance, at *nisi prius*, s. 15.

3 V. c. 8—1840.

Forms of, in actions upon promissory notes and bills of exchange. Schedules.

*See also* Common Law, Superior Courts—County Court—Division Court.

**DEER,**

*See* Game.

**DEMAND OF PLEA,**

2 G. 4, c. 1—1822.

To be made eight days before interlocutory judgment, s. 5.

**DEMISE OF THE CROWN,**

*See* Crown.

**DEMPSEY, J. W.,**

Admission as attorney, &c., in U. C., 9 V. c. 103.

**DEMURRER,**

7 W. 4, c. 3—1837.

Costs recoverable by party succeeding on, s. 22.

DEPUTY CLERKS OF THE CROWN,

12 V. c. 66—1849.

To keep their offices at certain places and open certain hours, s. 12.

Any British subject may be such clerk, *ib.*

14, 15 V. c. 118—1851.

To be *ex officio* clerks of assize, s. 1.

Papers to be forwarded by them, &c., *ib.*

When and how to deliver records or exhibits, s. 2.

Their fees and allowance for their attendance, s. 3.

No charge to be made in certain cases, s. 5.

They shall issue the precepts to the sheriffs as clerks of assize, s. 10.

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DESCENT,

4 W. 4, c. 1—1834.

How to be traced, &c., s. 1.

May be traced through an attainted person, s. 9.

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3 V. c. 3—1840.

Any person procuring any soldier or sailor to desert, subject to fine and imprisonment, s. 2.

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DESJARDINS, P.,

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DESJARDINS CANAL COMPANY,

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9 V. c. 2—1846.

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None but licensed distillers to act as such, under the penalty of £10 a day, and forfeiture of spirits, &c., s. 2.



## DISTILLERS,

- Licenses to be issued by district inspectors, to remain in force until 5th January following, s. 3.
- To be granted only on written requisition, s. 4.
- Duty not payable on re-distillation for rectification, s. 5.—  
*The duty imposed by this section is repealed by 12 V. c. 14, which fixes the duty.*
- Party licensed to give bond, s. 6.
- Duration of such bond, s. 7.
- Names and calling of distillers to be inscribed on front of the building under penalty of £5 a day, s. 8.
- Books to be kept by, and open to inspector, s. 9.
- Penalty £50 for false entries, &c., *ib.*
- Account of spirits distilled to be rendered to inspector twice a month, verified by affidavit, s. 10.
- Inspector may put further questions, *ib.*
- Wilful false statement to be perjury, s. 11.
- Inspector to have free access to premises and to books, &c., under penalty of £20 for refusal, s. 12.
- Duties to be paid when account rendered, under penalty of £20 and forfeiture of license, s. 13.
- Duties recoverable, although account not rendered, s. 14.
- Further penalty of three times the amount of duties for neglect to render accounts, *ib.*
- Distiller to give notice of time of working, under penalty and forfeiture for working without license, s. 15.
- Payment of penalty not to release party from duties, s. 16.
- Duties how recoverable, *ib.*
- Certain property specially liable, *ib.*
- May be seized before judgment, *ib.*
- Distillers to furnish inspector, with means of examining stills, &c., under penalty of £20, s. 17.
- Inspector to have access to the premises at any hour by day or night, s. 18.
- May enter with search warrant any house, &c., between sunrise and sunset, s. 19.
- Penalties, how recoverable, ss. 20, 21.
- Who, competent witnesses, s. 22.
- Provision, as to invalid seizures, *ib.*
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- Act to remain in force till 1st January, 1848.
- 12 V. c. 14—1849.
- Section 5 of 9 V. c. 2, 1846, repealed as to duties, s. 1.
- What duty payable on spirits after 25th April, 1849, s. 2.
- Spirits made in Canada may be warehoused under certain conditions, s. 3.
- Regulations for, to be made by the Governor, s. 4.
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## DISTRESS FOR RENT, &amp;c.

7 W. 4, c. 3—1837.

- By executors, allowed in certain cases, s. 27.
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**DISTRESS FOR RENT, &c.,**

1 V. c. 16—1838.

Fees to be taken where rent or penalty does not exceed £20, s. 1.

Penalty for taking greater, and how enforced, s. 2.

Complaint may be made before one justice, s. 3.

Penalty for unfounded complaint, s. 4.

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Form, and proof &c. of justice's order, s. 5.

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Schedule of forms and fees.

**DISTRICT BANK, QUEBEC,**

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**DISTRICT COUNCILS,**

16 V. c. 183—1853.

By-laws of late district councils not to be quashed for want of form, provided the provisions are in accordance with this Act, s. 1.

Certain rates imposed by, confirmed, s. 2.

Rate imposed by the 59 G. 3, c. 8, 1819, merged in the tax imposed by, in certain cases, but not in others, s. 3.

Provision as to taxes collected under by-laws of, s. 4.

In what cases lands shall be chargeable, *ib.*

Repeal of by-laws not to extinguish arrears, s. 5.

Treasurer of the county to make out list of lands in arrear, s. 6.

Taxes how to be calculated, *ib.*

Lists to be advertised, s. 7. See 18 V. c. 140.

Lands not to be sold for arrears during the present year 1853, *ib.*

Provision as to lands sold for taxes under by-laws not quashed, s. 8.

Lists to be published, *ib.*

Certain unoccupied lands so sold not liable to redemption, under the next Section, *ib.*

Owners may redeem within one year upon certain conditions, s. 9.

Certificate of redemption to be given by the treasurer, *ib.*

Proviso, as to improvements, *ib.*

Compensation to be determined under the 12 V. c. 35, *ib.*

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List of lands redeemed to be published, s. 10.

Repayment to purchasers, *ib.*

Deeds to be cancelled by the treasurer, *ib.*

Sales of land not redeemed to be valid, s. 11.

Interpretation clause, s. 12.

18 V. c. 140—1855.

The failure to advertise lands in arrear for taxes under the 7 sec. of the above Act, not to invalidate the claim, s. 1.

## DISTRICT FUNDS,

7 W. 4, c. 18—1837.

Accounts against any district (county *now*, Sec 12 V. c. 78, s. 3,) to be delivered to the clerk of the peace before the first day of the session, s. 1.

No account to be audited unless seven magistrates present, s. 2.

To be taken into consideration on the second day of the session, *ib.*

Order for payment to express the Statute authorising the same, except for payment of constables or services rendered during the sitting of the Court, *ib.*

Clerks of the peace to furnish treasurers with lists of errors in their priority, s. 3.

Treasurers to pay the same accordingly, *ib.*

Proviso, expenses of prisoners, and accounts of public officers, and officers of the court to be first paid, *ib.*

Treasurers to furnish a balance-sheet on the first day of each session for the preceding quarter, *ib.*

Orders made not to be rescinded unless by the same number of magistrates as made it, s. 4.

No order to be made for payment of money unless there be funds to meet it, except for debts actually due, s. 5.

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## DISTRICTS, PROVISIONAL,

*See Provisional Districts.*

## DISTRICT TURNPIKE TRUSTS,

*See Macadamised Roads—Public Works.*

## DISTRICT TREASURER,

8 G. 4, c. 4—1827.

Not to act as Chairman of quarter sessions.

*See County Treasurer.*

## DISTRICTS,

12 V. c. 78—1849.

Abolished and counties substituted, ss. 2, 3.

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## DIVISION COURTS,

13, 14 V. c. 53—1850.

To amend and consolidate the laws respecting,

Former Acts, (4, 5 V. c. 3, and 8 V. c. 37,) repealed, and also 12 V. c. 69.

Division courts as now existing to remain until altered, s. 2.

Not less than three, nor more than twelve, to be held in each county or union of counties, s. 3.

Court to be held once in two months, or oftener, in the discretion of the judge, who shall appoint time and place within the division, *ib.*

Justices of the peace in general quarter sessions to appoint and alter divisions, &c., s. 4.

## DIVISION COURTS,

- Divisions to be entered by the clerk of the peace, and copy sent to the Governor, s. 5.
- Divisions to be numbered, s. 6.
- Judge of the county court to preside, with power to appoint a deputy in case of illness or unavoidable absence, ss. 7, 8.
- Clerk and bailiffs to be appointed by the judge, s. 9.
- Clerk may appoint a deputy in case of illness, &c., s. 10.
- May administer oaths in certain cases, s. 11.
- County treasurer to be the receiver general of fees, and his per centage thereon, s. 12.
- Judge's salary not to exceed £500, nor be less than £250, *ib.*
- Clerk's duties and liabilities, s. 13.
- Fees to be those mentioned in schedule, s. 14.
- Penalty on bailiff neglecting to return summons, *ib.*
- Clerk to render to treasurer, when required, account of fees and moneys, &c., s. 15.
- Fees to be paid over to treasurer and form part of the general fee fund of division courts, *ib.*
- Treasurer to account and pay over to receiver general, s. 16.
- Provision in case fees shall be insufficient to meet disbursements, s. 17.
- Treasurer's accounts to be public accounts, s. 18.
- Proceedings in case of removal or resignation of treasurer or clerk, and refusal to pay over moneys, s. 19.
- In case of their death, s. 20.
- Acting as treasurer to be *prima facie* evidence of being so, s. 21.
- Treasurers, clerks and bailiffs to give security, s. 22.
- Jurisdiction, to extend to debt, account or breach of contract, covenant or money demand not exceeding £25, and *torts* to personal chattels not exceeding £10, s. 23. *See also* 16 V. c. 177, s. 1.
- Proceedings to be summary ; special provision as to certain cases, *ib.*
- Course of proceedings in suits, s. 24.
- Suits to be brought in the division where the (or a) defendant resides, or debt contracted, &c., s. 25. *See also* 16 V. c. 177, s. 8.
- Plaintiff not to divide claim, but may abandon excess, s. 26.
- Proviso, as to unsettled accounts, *ib.*
- Minors may sue for wages, s. 27.
- No exemption by privilege allowed, s. 28.
- Joint debt recoverable from one of the parties, s. 29.
- Judge alone to decide in cases of *tort* not exceeding £2 10s.; in other cases not exceeding £5, s. 30.
- Affidavits of parties without the jurisdiction receivable in cases not exceeding £5, s. 31.
- In what cases, either party may require a jury, s. 32.
- Party requiring, to pay a certain amount to the clerk, s. 33.
- Proceedings in jury cases, and who shall serve as jurors, &c., ss. 34 to 38.
- Judgments to be pronounced in open court, s. 39.
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- Cause of action to be proved as stated, s. 42.
- Defendant may plead certain matters of defence, s. 43.
- Judge may make rules of practice, to be approved by the Court of Queen's Bench, s. 44.
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- Proceedings to be entered by the clerk, s. 49.
- Judge may grant defendant time on judgment recovered, s. 50.
- Proceedings where cross judgments, s. 51.
- Execution, how granted and enforced, s. 53.
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- Execution against lands, when and how issued, s. 57.
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- Provision as to costs of suit brought in superior court in cases within jurisdiction of division court, s. 78.
- Informalities in levying not to be deemed trespass *ab initio*, s. 79.
- Executors may sue, s. 80.
- Parties to the suit may be examined by opposite party, s. 81.
- Fines, how to be enforced, s. 82.
- Costs to be awarded or apportioned in discretion of the judge, s. 83.
- Judgments to be final except that non-suits and new trials may be allowed, s. 84.
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**DIVISION COURTS,**

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*Proof of service out of division, s. 88.*

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*Punishment for assaulting bailiff, rescuing goods, &c., s. 100.*

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*Claims of third parties upon goods seized, how determined, s. 102. See also 16 V. c. 177, s. 7.*

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*16 V. c. 177—1853.*

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*Former act and this to be construed as one act, s. 2.*

*Fees payable—payment how enforced, s. 3.*

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*Witnesses compellable to appear before arbitrators, s. 5.*

*Punishment for non-attendance, &c.*

*Part of the statute of 8 Anne, not to apply to goods taken in execution in division court suits, s. 6.*

*Landlord may claim arrears of rent, *ib.**

*Bailiff's duty in such cases, *ib.**

*Proceedings if goods replevied, *ib.**

*Execution creditor not to be paid in case of replevin until the landlord is satisfied, *ib.**

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## DIVISION COURTS,

In what division court any suit may be entered and tried, s. 8.

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Rules of practice, how to be framed and approved, s. 10.

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Clerks and bailiffs to give security, s. 12.

Clerks to make out yearly lists of unclaimed moneys, s. 13.

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Judge may examine plaintiff or defendant on certain points in cases not over 40s., s. 22.

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From what division the summons under the 91st section of the said Act may be issued, s. 30.

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Suit to be cognizable in division where cause of action arises, or where any defendant resides, s. 1.

Writ of fi. fa. not to be executed out of the county over which the judge has jurisdiction, *ib.*

Where a defendant resides in adjoining county, summons to be served fifteen days before, *ib.*

Where residing in a more distant county, then twenty days, *ib.*

What notice shall be given by such defendants of defence under the 43rd section of the Act of 1850, *ib.*

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Case may be adjourned at the hearing in discretion of the judge, *ib.*

Bailiffs may serve summonses, &c., issued out of other courts, s. 2.

Proceedings on judgments may be had in other courts upon transcript of judgment filed therein, s. 3.

Clerks of division courts required to forward summonses to other courts for service, *ib.*

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**DOCKS AND HARBOURS, INCORPORATION OF COMPANIES FOR CONSTRUCTING,**

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4, 5 V. c. 25—1841.

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48 G. 3, c. 7—1808.

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**DOWER,**

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13, 14 V. c. 58—1850.

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**DURAND, GEORGE,**

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## DUTIES,

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## DWELLING-HOUSE,

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## EASTERN DISTRICT,

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## EASTERN TOWNSHIPS BANK,

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- Eight days' notice, how reckoned, *ib.*  
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 Proceedings of the returning officer on the day of election, s. 12.  
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*Sections 14 and 15 apply to Lower Canada only.*  
 Day of opening the poll to be proclaimed at the hustings, a certain delay required, &c., s. 16.  
 Poll not to be held on Sunday, or certain holydays, s. 17.  
 Polling days to be the same throughout the electoral division, *ib.*  
 Deputy returning officers to be appointed for the polls, s. 18.  
 Oath of office—penalty £25 for refusing to act, *ib.*  
 In Upper Canada township clerks, or in case of absence &c. the assessor or collector to be deputies, *ib.*  
 Poll clerks to be appointed—oath of office, and penalty for refusing to act, &c., *ib.*  
 Returning officer to issue his warrant to deputies for holding polls, s. 19.  
 Form of poll-book—return thereof, &c., *ib.*  
 Mode of recording votes, s. 20.  
 Duty of poll clerk, s. 21.  
 To perform duty of returning officer in case of absence, &c. of deputy, *ib.*  
 Poll clerk to attest poll-book on oath, s. 22.  
 Deputy returning officer, the same, *ib.*  
 When, and to whom poll-book returned, *ib.*  
 Proceedings on day appointed for closing the election, s. 23.  
*See 16 V. c. 7.*  
 Proceedings to be adjourned until poll-books all returned, s. 24.  
 Indenture to be executed, and copy returned with writ, s. 25.  
 Proceedings in case poll-book stolen, lost or destroyed, s. 26.  
*See also 18 V. c. 8.*  
 Returning officer to have copies of poll-books made and deposited for public inspection, s. 27.  
 No scrutiny to be granted, s. 28.  
 Who may act as agent for candidates, s. 29.  
 Paid agents, not to vote, under penalty of £25, *ib.*  
 Qualification of electors for counties or ridings, s. 30.  
 For cities or towns, s. 31.

## ELECTIONS, LEGISLATIVE ASSEMBLY,

Proprietors of dwelling houses when not disqualified, s. 32.

Qualification as tenants in cities and towns, s. 33.

Not to be disqualified, in certain cases, s. 34.

Occupiers of dwelling houses provided by the government, corporations, &c., disqualified unless one year's rent paid, s. 35.

Provision as to lands, &c. in two counties, or within two polling places, s. 36.

Or, partly within and partly without any city or town, s. 37.

As to lands in Lower Canada, &c., s. 38.

Joint tenants and tenants in common may vote separately provided each part be of the proper value, s. 39.

Shareholders in companies excepted, *ib.*

*But see also as to qualification of Voters*—Elective Franchise.

Votes objected to, how distinguished in poll-book, s. 40.

Situation of property voted upon may be required, *ib.*

Oath of voters, when required, s. 41.

To be administered by returning officer (under penalty of £10 for neglect if thereunto required) or in his discretion if not required, *ib.*

Penalty £10 for voting, without oath, when required, *ib.*

The word "refused" to be marked in poll-book, on voter refusing to take the oath—and vote not to be taken—under penalty of £10 upon returning officer, *ib.* *See also* 18 V. c. 8.

British subjects only, of full age, allowed to vote, s. 42.

Oath of allegiance may be administered by returning officers when needed to qualify as a naturalized subject, s. 43.

Unqualified persons voting, to incur penalty of £10, s. 44.

Penalty £10 for voting more than once, *ib.* *See also* 18 V. c. 8, s. 6.

Penalty £25 for voting on property fraudulently conveyed in order to qualify, &c., s. 45.

Such conveyance to be valid, any agreement to the contrary, *ib.*

No female allowed to vote, s. 46.

Appointment of interpreter, in certain cases, s. 47.

Candidate, if required to make a declaration in the form given, of his property qualification, s. 48.

Wilful misstatement to be a misdemeanor, *ib.*

Declaration may be made voluntarily before hand, s. 49.

Before whom, *ib.*

Returning officer to certify the delivery to him of such declaration under penalty of £50, *ib.*

Returning officer, and deputies to be conservators of the peace, s. 50.

May require the aid of justices, constables, &c., and swear in special constables, *ib.*

May arrest disturbers, *ib.*

Special constables to be sworn, if required, s. 51.

Returning officer or deputies may demand the surrender of arms or offensive weapons, s. 52.

Battery, during the election, to be deemed an aggravated assault, s. 53.

**ELECTIONS, LEGISLATIVE ASSEMBLY,**

Provision against bribery and corruption by candidates, s. 54.

Their election in such case to be void, *ib*

Penalty not exceeding £50 on parties giving or receiving any corrupt consideration, s. 55.

Corrupt votes to be struck off the poll-book, when &c., s. 56.

Candidates prohibited from entertaining electors previous to or during election, s. 57.

None but the returning officer, his deputies, constables &c. to come armed while the poll is open, s. 58.

Party ensigns, flags, &c., prohibited during election, or within eight days before, s. 59.

Also party badges, &c., during the same period, s. 60.

Offenders to be guilty of misdemeanor, and how punishable, s. 61.

Stealing or destroying, &c., the writ, return, indenture, &c., to be felony, s. 62. *See also* 18 V. c. 8.

Oaths to be administered *gratis*, s. 63.

Penalties how recoverable, s. 64.

Cities and towns returning members, &c., not to form, for election purposes, part of counties, &c., s. 65. *See also*, Representation.

No proprietor to vote in a county or riding on property situated in any such city or town, *ib*.

Fees for services, and disbursements allowed, s. 66.

Copy of this Act to be transmitted with writ of election to returning officer, and one for each of his deputies, s. 67.

Schedules of Forms.

14, 15 V. c. 108—1851.

At what place the poll shall be held, where a township is divided into wards, s. 1.

Returning officer to select his deputy, if there be no person whom he is by law required to appoint, *ib*.

High Sheriffs of counties and unions for judicial purposes to be *ex officio* returning officers for same, as well as of cities and towns lying within the limits of such counties, &c., and the registrars of deeds for counties and unions for the purpose of representation, for which the sheriff shall not be so, s. 2.

Special provision as to certain counties, and as to cases where more than one person might be returning officer under this Act, *ib*.

If no *ex officio* returning officer, then the Governor to appoint, s. 3.

16 V. c. 1—1852.

To remove doubts from the 14, 15 V. c. 5, having come into effect since the last general election.

16 V. c. 7—1852.

To remove doubts respecting the words "a majority of the total number of votes" in the 23 sec. of the 12 V. c. 27

**ELECTIONS, (FOR BETTER ENSURING FREEDOM OF)**

18 V. c. 8—1854.

Act to apply to all elections during its continuance, s. 1.

## ELECTIONS, FREEDOM OF,

Oath to be taken by usufructuaries, s. 2.

Returning officer and deputies to swear in spécial constables, s. 3.

Poll-books to be specially certified, &c. and copies given to any person demanding the same, *ib.*

How to be transmitted, *ib.*

Any person in charge of poll-books failing to deliver the same in due time to be guilty of misdemeanor, and subject to penalty of £100 or imprisonment, *ib.*

In case of suspected votes tendered, deputy returning officer to administer the oaths required by law under penalty of £50, s. 4.

Duty of returning officer, where poll-book, &c., is tampered with, s. 5.

Any person unlawfully tampering with the same to be punished by confinement at hard labour in the Penitentiary, or as already provided for stealing or destroying the same, *ib.*

Penalties now established for voting without qualification or under fraudulent conveyance, repealed during the continuance of this Act, such offences to be a misdemeanor and punishable by imprisonment or fine not exceeding £50, or both, s. 6.

Voting under a false name, same punishment, *ib.*

Voting twice at the same election to be a misdemeanor punishable by imprisonment for not less than six months for every additional vote, *ib.*

No polling place to be appointed in Lower Canada in parishes, &c., having less than 100 voters, s. 7.

Recovery of penalties, s. 8.

Act to be in force till 1st January, 1856, s. 9.

*See as to Clergymen, Acts 8 V. c. 9, indemnifying them for voting—and 8 V. c. 10, enabling them to vote; but as the 12 V. c. 27 and other Acts now in force, contain no provision preventing them from voting if otherwise qualified, the Act 8 V. c. 10, seems no longer necessary.*

## ELECTIONS CONTROVERTED,

*See Controverted Elections.*

## ELECTIVE FRANCHISE,

18 V. c. 87—1855.

Acts 16 V. c. 153, & 18 V. c. 7, repealed, s. 1.

Certain persons qualified to vote, in addition to those mentioned in the elections Act of 1849, viz: s. 2.

*Bonâ fide* owners or freeholders, tenants or occupiers of real estate within any city or town entitled to representation (and in U. C. within any city or liberties) as bounded for municipal purposes, of the actual value of £ 75 or yearly value of £ 7 10, for six months before the election, *ib.*

Or within the limits of such city or town for representation but not for municipal purposes, of the actual value of £50, or yearly value of £5, *ib.*

**ELECTIVE FRANCHISE,**

*Bonâ fide* owners or freeholders, tenants or occupiers (for six months before the election) of real property of the actual value of £50 or yearly value of £5, in any parish, township, town, village or place not being within such city or town, *ib.*

Tenants for less than one year not entitled to vote, *ib.*

Votes to be tendered in the ward or place where the property lies, *ib.*

Occupants holding without consent of crown, or owner, disqualified, *ib.*

In case of joint owners or tenants, each may vote if his share be sufficient, s. 3.

Members of bodies corporate not entitled to vote on corporation property, *ib.*

Proviso, continuing privileges to voters in Lower Canada under Elections' Act of 1849, in respect of property lying elsewhere than in Quebec and Montreal, s. 4.

Persons disqualified from voting under either Act in case of non-payment of rents or instalments due to the crown, on the property forming the qualification, s. 5.

Oath to be taken, if required, *ib.*

Duty of returning officers with respect to administering the oaths in schedule, s. 6.

Provisions of Elections Act of 1849 not inconsistent with this Act, to apply to persons qualified to vote by this Act, s. 7.

Form of poll-book may be varied to agree with this Act, *ib.*

Voters upon property without municipal, but within representation limits of cities and towns, to vote in wards assigned by returning officer, s. 8.

Construction of the word "municipality" in relation to Lower Canada, s. 9.

Short title of this Act, and of 12 V. c. 27, s. 10. Schedules of forms.

*See also* Elections.

**ELECTORAL DIVISIONS,**

*See* Representation.

**ELECTRO-MAGNETIC TELEGRAPHS,**

*See* Telegraphs.

**ELGIN ASSOCIATION,**

Incorporated (improvement of colored people), 13, 14 V. c. 144.

*See* Telegraphs.

**EMBEZZLEMENT,**

4, 5 V. c. 25—1841.

By any clerk or servant to be deemed felony, s. 39.

Of money, &c., by any banker, merchant, broker, attorney or agent, how punishable, s. 41.

Or by factor or agent, intrusted with merchandize, s. 43.

18 V. c. 92—1855.

Under indictment for, offender may be convicted of larceny, and *vice versa*, s. 16.



**EMBEZZLEMENT,**

How punishable, *ib.*

See *also* Criminal Law and Procedure.

**EMIGRANTS AND QUARANTINE,**

16 V. c. 86—1853.

Former Acts repealed.

Certain duties payable by the master of any vessel arriving at Quebec or Montreal, on emigrant passengers, s. 2.

Masters embarking passengers not included in passenger list, to pay in addition 40s. per head, s. 3.

Passengers not to leave the vessel, till duty paid, s. 4.

Penalty on masters having on board an unlawful number, s. 5.

Master within 24 hours after arrival to deliver passenger list to the collector under the penalty of £5 per diem, s. 6.

Master to report the number of lunatic, idiotic, deaf and dumb and infirm passengers, under penalty of £5 for every case omitted, s. 7.

To report the number of deaths during the voyage, the property left by deceased, and account for the same to the collector under a penalty of not less than £5 nor more than £250, s. 8.

Passengers allowed to leave the vessel in certain cases, s. 9.

Any error in the report to subject the master to penalty of £5 for every passenger missing, *ib.*

Any pilot neglecting to inform the collector, of passengers leaving the vessel, to incur a penalty not exceeding £5, s. 10.

Passengers allowed to remain on board 48 hours after arrival, s. 11.

Penalty on master compelling passengers to leave before that time, *ib.*

Duty of the medical superintendent on arrival of the vessel at the quarantine station, s. 12.

To report any lunatic, &c. on board to the collector, *ib.*

Master to give bond of indemnity with sureties for such passengers, or commute in money, *ib.*

Bond to be enforced if they become chargeable, s. 13.

Penalty £100 on master refusing to give bond or commute, *ib.*

Bond to be transmitted to receiver general, and for what purpose, s. 15.

Passengers to be landed on wharves free of expense, s. 16.

Steam vessels receiving emigrants in the stream at Quebec not to proceed upwards without returning to the wharf under a penalty of £10 upon the master, s. 17.

Former quarantine Acts repealed, s. 18.

Governor in council authorized to make quarantine regulations, *ib.*

As to the quarantine establishment, s. 20.

Quarantine regulations to be published, s. 21.

Expenses under this Act, how defrayed, s. 22.

Duties and penalties to be a lien on the vessel, s. 23.

**EMIGRANTS AND QUARANTINE,**

Monies collected to be paid over to receiver-general, s. 24.

Application thereof, s. 25.

Penalties how recoverable, s. 26.

Where the penalty exceeds £10, offence to be a misdemeanor, *ib.*

Proceedings before justices, s. 27.

Levying penalties, *ib.*

Imprisonment of offender in certain cases, *ib.*

Convictions not to be quashed for want of form, s. 28.

Accounting, application and interpretation clauses, ss. 29, 30, 31. *See also*, Imp. Passengers Act 15, 16 V. c. 44.

**ENACTMENT,**

7 W. 4, c. 14—1837.

Act to supply certain forms of, in Acts of the Parliament of Upper Canada.

*See also* Interpretation—*also* the several Expressions interpreted.

**ENROLMENT OF DEEDS,**

4 W. 4, c. 1—1834.

Not necessary to make bargain and sale valid, s. 47.

**ENTRY,**

4 W. 4 c. 1—1834.

Not to be deemed possession, s. 22.

Right of, not to be defeated by descent cast, discontinuance or warranty, s. 42.

**EQUITABLE ESTATES,**

13, 14 V. c. 63—1850.

Bound by judgments registered, s. 2—*See also* Judgment.

**EQUITY OF REDEMPTION,**

12 V. c. 73—1849.

In lands mortgaged, saleable under execution, s. 1—*See also* Judgment.

**EQUITIES DORMANT,**

*See* Chancery Court of, (18 V. c. 124).

**ERB, D., AND OTHER ALIENS,**

Enabled to hold lands in U. C., 10 G. 4, c. 23.

**ERIE AND ONTARIO RAILROAD COMPANY,**

Incorporated, 5 W. 4, c. 19.

Provincial loan to, authorized, 7 W. 4, c. 68.

Time for completing extended, 3 V. c. 49.

Charter further amended, 16 V. c. 50.

**ERIE AND ONTARIO INSURANCE COMPANY,**

Incorporated, 16 V. c. 144.

**ERNESTOWN AND FREDERICSBURGH GORE,**

For making and maintaining a road between, 9 G. 4, c. 6.  
Survey of Gore between, 4 W. 4, c. 20.

**ERROR AND APPEAL, COURT OF,**

*See* Appeal and Error.

**ERROR, WRIT OF,**

5 W. 4, c. 2—1835.

May be issued from King's Bench to inferior courts, ss. 1, 2.  
Court to make Rules respecting, s. 2.

**ESSEX COUNTY,**

To regulate statute labour on the Huron Indian tract, 41 G. 3, c. 10.

**ESSEX AND KENT,**

For better regulating statute labour in, 48 G. 3, c. 12.  
Preservation of certain kinds of fish in, 7 V. c. 13.  
Provisional Council constituted in, 16 V. c. 94.

**ESTATE TAIL,**

9 V. c. 11—1846.

To provide a more simple mode of assurance for barring.  
*See also* Fines and Recoveries—Real Property.

**ESTATE, REAL,**

*See* Real Property—and *Supplement*.

**ESTREATS,**

7 W. 4, c. 10—1837.

For recovery of.  
Fines, &c., to be entered on a roll, s. 1.  
One copy to be sent to crown office, the other to sheriff, s. 2.  
Party committed under this Act, may be relieved by court, *ib.*  
How fines, &c., at quarter sessions to be entered, &c., s. 3.  
How quarter sessions to proceed for recovery of, s. 4.  
Court may forbear estreating recognizances under circumstances, s. 5.  
Mode of proceeding when lands are seized, s. 6.  
Oaths to be taken and subscribed at foot of roll by clerks of assize and peace, s. 7.  
Certificate to be given to party entering into recognizance, s. 8.  
Goods seized by sheriff may be released on conditions, s. 9.  
Court may discharge forfeited recognizances, s. 10.  
Manner of return by sheriff, s. 11.  
Sheriff to pay money over, s. 12.  
Schedules of Forms.

**ETOBICOKE AND MONO SIXTH-LINE ROAD COMPANY,**

Incorporated, 9 V. c. 83.  
Act amended, 10, 11 V. c. 90.

**EVANGELICAL ASSOCIATION,**

Benefit of U. C. Act extended to ministers of, 8 V. c. 34.

**EVANGELICAL LUTHERAN CHURCH,**

Ministers of, may keep registers of baptisms, &c., 18 V. c. 58.

**EVIDENCE,**

32 G. 3, c. 1—1792.

To be regulated by the rules of evidence in England, s. 5.

7 W. 4, c. 3—1837.

Rules to be made by Court of Q. B. touching admission of documentary evidence, s. 12.

7 V. c. 4—1843.

Copy of the laws of Lower Canada, printed by authority, to be evidence in Upper Canada, and *vice versa*, s. 1.

Certificates of notaries in Upper or Lower Canada to be presumptive evidence in Upper Canada of certain matters, s. 2.

Production of the protest to be presumptive evidence of making, s. 3.

13, 14 V. c. 19—1850.

Judgments of certain courts out of U. C. may be proved by exemplification, s. 1.

Notarial copies of notarial instruments passed in L. C. may be received in U. C., s. 2.

Proof of U. C. judgments in L. C., s. 3.

Certified copies of official documents, by-laws, &c., receivable in evidence, s. 4.

Judicial notice to be taken of judge's signature, s. 5.

Forging seal or signature to, or knowingly offering same in evidence, to be felony, s. 6.

16 V. c. 19—1852.

Persons offered as witnesses not to be excluded for certain causes, s. 1.

Parties to suits not to be witnesses unless called by opposite party, *ib.*

A party to the suit may be subpoenaed by the opposite party, and in case of non-attendance admission taken *pro confesso* against him, s. 2.

A commission may issue for the examination of such party out of the jurisdiction, s. 3.

No person bound to criminate himself, s. 4.

Probate of will of any person dying out of Upper Canada, but in Her Majesty's possessions, receivable unless disallowed by the judge, s. 5.

Official certificate mentioned in 5th section to be *prima facie* evidence of the facts stated, s. 6.

Probate of a will receivable in evidence, subject to the proviso in 5th section, s. 7.

Judge may compel a party to allow the opposite party to inspect documents in his possession, &c., s. 8.

Certified copies of public books or documents in themselves evidence, receivable, and proper officer bound to give such copies, s. 9.

Officer giving a false certificate, to be guilty of misdemeanor, s. 10.

**EVIDENCE,**

Forging any seal, stamp or signature, &c., or tendering same in evidence, to be felony, s. 11.

Certain allegations not to be required in setting out legal proceedings, s. 12.

Acts 12 V. c. 70, and 14, 15 V. c. 66, repealed, s. 13.

See also Imp. Act, 14, 15 V. c. 99, more especially ss. 7, 11, 12, 19, relative to documents admissible without proof of seal, signature, &c., in the Colonies, and in the United Kingdom when originating in the Colonies, *also* Witnesses.

**EVIDENCES OF TITLE,**

4, 5 V. c. 25—1841.

Stealing any original paper or parchment writing relating to title, misdemeanor, and how punishable, s. 27.

**EXAMINATION,**

4, 5 V. c. 24—1841.

Of party accused of felony or misdemeanor, to be taken in writing before committal or bail, ss. 2, 3.

See also Justices of the Peace.

**EXCHANGE OF REAL ESTATE,**

14, 15 V. c. 7—1851.

Unless by deed, to be void, s. 4.

**EXCISE, DUTIES OF,**

16 V. c. 184—1853.

Certain Acts imposing duties of, repealed, s. 1.

Municipal councils of counties and cities authorized to make by-laws for regulating hawkers and pedlers and imposing license duties, s. 2, *as amended by* 18 V. c. 134.

Municipal council of any township, incorporated village, town or city empowered to make by-laws, s. 3 :

1. As to auctioneers and their license, &c.
2. As to sale of intoxicating liquor by retail, and the license, &c.

3. As to billiard tables, and license for.

Such by-laws may be repealed, altered or amended, s. 4.

Limitation of penalties, *ib.*

Penalties and duties on license to form part of the municipal funds, *ib.*

By-laws prohibiting the sale of intoxicating liquors, or imposing a duty of more than £10 for licenses to sell them, not to be valid unless approved by a majority of the municipality, *ib.*

Monies for tavern licenses, to whom payable, s. 5.

Indemnity to revenue inspectors for loss of their emoluments, s. 6.

Act to commence 1st January, 1854, s. 7.

Act may be limited by other Acts of the session, s. 8.

18 V. c. 134—1855.

No duty to be imposed on persons hawking or peddling goods, wares or merchandize of the production or manufacture of this province, s. 1.

**EXCISE, DUTIES OF,**

Municipal By-laws to be void in such cases after the 1st January, 1856, s. 2.  
*See also* Distillers—Liquors spirituous.

**EXECUTION OF CRIMINALS,**

4, 5 V. c. 24—1841.

When to be ordered, after sentence of death, s. 35.

**EXECUTION,**

43 G. 3, c. 1—1803.

Not to issue against lands until after return of execution against goods, s. 1.

Not to be returnable in less than 12 months from the teste, s. 2.

Nor lands sold in less than 12 months from delivery of writ, *ib.*

49 G. 3, c. 4.

Eight day's notice of sale of goods under, to be given, s. 5.

2 G. 4, c. 1—1822.

Expenses of, poundage, fees and interest may be levied, s. 19.  
 Sales of lands under, to be advertised, s. 20.

7 W. 4, c. 3—1837.

Testatum writ of, against goods or lands, unnecessary, s. 33.

9 V. c. 56—1846.

Sec. 32 of 7 W. 4, c. 3, repealed, s. 1.

Poundage not chargeable unless actual levy made, s. 2.

Fees for services rendered chargeable, *ib.*

**EXECUTORS AND ADMINISTRATORS,**

4 W. 4, c. 1—1834.

Administrator to claim from death of intestate in certain cases, s. 18.

7 W. 4, c. 3—1837.

May maintain action for injury to deceased's real estate, s. 2.

Action for trespass maintainable for wrongs by testator, *ib.*

1 V. c. 7—1838.

Of joint contractors, though other contractor living, liable on judgment against both, s. 1.

To be proceeded against by *sci. fa.*, s. 2.

Limitation of liability as stockholders in banks, &c.

7 W. 4, c. 3—1837.

May be sued for debt, on simple contract, s. 11.

Liability to costs, s. 23.

May distrain for rent in certain cases, s. 27.

**EXPENSES OF CIVIL GOVERNMENT,**

*See* Civil List—Supplies.

**EXPIRING LAWS,**

*See* Acts Continued.

**EXPLOSIVE SUBSTANCES (INJURIES BY) AND ARSON,**

10, 11 V. c. 4—1847.

Destruction of any dwelling house by, to be felony, s. 1.

And so of any building, with intent to destroy life, s. 2.

Doing any bodily harm by means of to be felony, s. 3.

Causing explosion, throwing corrosive fluids, &amp;c., with like intent, to be felony, s. 4.

Punishment for, s. 5.

Throwing explosive substance into, or near to any building, &amp;c., to be felony, s. 6.

Punishment therefor, *ib.*

Attempting to set fire to any building, vessel, &amp;c., the offence not being completed, to be felony, s. 7.

Punishment therefor, *ib.*

Having in possession any such substances, with unlawful intent, to be a misdemeanor, s. 8.

Punishment therefor, *ib.*

Male offenders under 18 years of age, in addition to any other sentence, to be publicly or privately whipped, s. 9.

Punishment of principals in the second degree, and of accessories, s. 10.

Court may order hard labor and solitary confinement, s. 11.

Search warrants may be issued to search for gunpowder or explosive substance suspected to be kept for illegal purposes, s. 12.

How to be dealt with if found, *ib.*

Explosive substance, with machine or instrument intended to be used, &amp;c., to be forfeited, s. 13.

Persons loitering, &amp;c., and suspected of intention to contravene this Act, may be detained, s. 14.

And brought before a justice within a certain time, s. 15.

Offenders not to be tried by justices of the peace, nor by recorder at any sessions, *ib.*

Offences within the admiralty jurisdiction, how dealt with, s. 16.

**EXTORTION,**

4, 5 V. c. 25—1841.

By threatening accusation of abominable crime, felony, s. 8.

*See also Threats.***EXTRADITION OF OFFENDERS TO UNITED STATES OF AMERICA,**

12 V. c. 19—1849.

When such offenders may be arrested and on what authority, s. 1.

Proceedings to be certified to the Governor, *ib.*Offender committed until duly discharged, *ib.*

Attested copies of depositions taken in United States to be evidence of criminality, s. 2.

Governor may order the delivery up of prisoner to official authorities of United States, or any State, s. 3.

Prisoner escaping may be retaken, *ib.*

Any person arrested and not delivered up within two months, entitled to discharge, unless cause shewn, s. 4.

Act to continue while the treaty with U. S. of 9th August, 1842, shall be in force, s. 5.

**FACTORS,**

*See Agents—Warehousemen.*

**FALSE DUCKS LIGHT,**

Provision for keeper's salary, 5 W. 4, c. 37.

Made perpetual, &c., 2 V. c. 59.

**FALSE IMPRISONMENT,**

7 W. 4, o. 3—1837.

Amends not payable into court, in actions for, s. 13.

**FALSE LIGHTS,**

4, 5 V. c. 26—1841.

Hanging out to cause shipwreck, felony, s. 8.

**FALSE PRETENCES,**

4, 5 V. c. 25—1841.

Obtaining any chattel, money, or security under, to be a misdemeanor, and how punishable, s. 45. *See also* 18 V. c. 92. s. 12, 14.

**FALSE RECEIPTS,**

12 V. c. 12—1849.

Giving by any warehouseman, forwarder, carrier, agent, clerk, &c., or knowingly using any, to be a misdemeanor, and how punishable, s. 1.

**FEE FUND,**

Establishment of. *See* 12 V. c. 63, sec. 14, 1849, (Queen's Bench and Common Pleas). 12 V. c. 64, sec. 13, 1849. (Chancery). 8 V. c. 13, sec. 62, 1845, (County Courts),

16 V. c. 163—1853.

Annual account of, to be rendered by the proper officer to provincial secretary before 1st February, s. 4.

*See also*—Common Law Courts—Chancery—County Courts, &c.

**FEEES,**

4, 5 V. c. 24—1841.

Officers, in criminal cases, how paid, s. 23.

8 V. c. 38—1845.

Justices in general quarter session, to frame table of, for services by sheriff, coroner, or clerk of the peace, constable and crier, s. 1.

The same to be laid before the judges for approval, *ib.*

Mode of levying, s. 2.

Penalty £10 for exacting greater, s. 4.

District treasurer to pay, (in the order prescribed, by the 4, 5 V. c. 10. *But the said Act is repealed.*)

12 V. c. 63—1849.

Certain fixed salaries to be paid to clerks of crown and pleas in Queen's bench and common pleas in lieu of fees, s. 13.

Fees to belong to the province, s. 14.



## FEES,

14, 15 V. c. 119—1851.

To Justices of the peace, uniform rate of, established.  
*See also* Justices of the peace.

## FELLING TREES,

2 V. c. 16—1839.

Into certain rivers, penalty for, s. 1.  
 Proceedings for enforcing and application of penalty, ss. 2, 3.  
 Act not to apply to round or square timber manufactured  
 for transportation, s. 4.

## FELONY,

6 W. 4, c. 44—1836.

To allow full defence by counsel to persons charged with.  
*See also*, 4. 5. V. c. 24, ss. 9, 10, 11, 12, 13.

3 W. 4, c. 2—1833.

Duties of magistrates on charges of.  
*See also* Justices of the Peace.

3 W. 4, c. 3—1833.

Certain forms of arraignment dispensed with, s. 17. *See also*  
 4. 5. V. c. 24, s. 14.

6 W. 4, c. 44—1836.

Persons indicted for, entitled to copy of indictment on pay-  
 ment of charges, s. 2.

4, 5 V. c. 24—1841.

Jury not to inquire concerning lands of felon, &c., s. 18.  
 How punishable, when not otherwise provided for, s. 24.  
 “ for a subsequent offence, s. 30.

4, 5 V. c. 25—1841.

How punishable in cases of larceny, not otherwise provided  
 for, s. 3.

*See also* Criminal Law—and the several Offences, &c.

## FEME COVERT,

*See* Married Women.

## FENCES AND WATERCOURSES,

4, 5 V. c. 25—1841.

Penalty for stealing, or throwing down with intent to steal,  
 any live or dead fence, &c. s. 32.

8 V. c. 20—1845.

Appointment of fence-viewers, s. 1.

[*Repealed by* 12 V. c. 80; and by the Municipal Act, 12 V.  
 c. 81, township municipalities are authorized by law  
 to appoint fence-viewers, and to regulate the height and  
 description of lawful fences.]

Fence-viewers to assign the share of fence each party is  
 bound to keep up, s. 2.

Award to be binding; must be signed by majority, and filed  
 with town clerk, *ib.*

Either party refusing to comply, the other may make the  
 fence, and recover the value, s. 3. *See* 18 V. c. 137.

Any justice of the township may summon three fence-  
 viewers to view and appraise, s. 4.

## FENCES AND WATERCOURSES,

Fence-viewers to make their report to justice, s. 5.

Witnesses may be summoned before fence-viewers and examined upon oath, s. 6.

Report to be transmitted to clerk of the division court and township clerk, and execution issued against defendant, s. 7.

Execution not to issue for forty days, *ib.*

Provision as to lands left in common, and as to lands improved, s. 8.

In what case share of fence may be removed, s. 9.

Water-fences to be made in equal parts, s. 10.

Provision as to lands bounded by brooks, &c., s. 11.

“ ditches and watercourses, s. 12.

“ required across neighboring land, s. 13.

“ party refusing to make his share of a water-course, s. 14.

Any party may take possession of the allowance for road in rear of his lot, if not opened for travel.—Possession to cease upon the order of two justices, s. 15.

Fees for services under this Act, s. 16.

Fees paid to be included in execution, s. 17. Interpretation clause, s. 18.

Act 4 W. 4, c. 12, repealed, s. 19.

12 V. c. 81—1849.

Councils empowered to make By-laws for the appointment of fence-viewers, and for settling the height and description of lawful fences, s. 31. Art. 5, 25.

18 V. c. 137—1855.

So much of the 3rd section of the 8 V. c. 20, as limits the value of the fence, repealed, and the amount shall be determined by the fence-viewers.

## FEOFFMENT,

14, 15 V. c. 7—1851.

Unless by deed, void, and no feoffment to have a tortious operation.

## FERRIES,

37 G. 3, c. 10—1797.

For regulation of ferries.

*This Act is repealed by 12 V. c. 80, 1849, so far as it vests any power in justices to regulate.*

Penalty on ferryman exacting unlawful rates, *ib.*

8 V. c. 50—1845.

Penalty not exceeding £5 for unlawfully interfering with the rights of any licensed ferryman, s. 1.

Recoverable before one justice, *ib.*

Act not to prevent parties keeping boats for their own use, *ib.*

Committal for non-payment of fine, s. 2.

Licenses for ferries to be under the great seal, s. 3.

Appeal against convictions given to the sessions, s. 4.

Limits of ferries defined, s. 5.

9 V. c. 9—1846.

To explain and amend 8 V. c. 50.

**FERRIES,**

Said Act not to prevent parties using their own vessels to cross, *ib.*

Ferries to be licensed by public competition, and for not exceeding seven years, s. 2.

12 V. c. 81—1849.

Municipal council of the county empowered to make by-laws for regulating those between any two places in the county, with the approval of the governor in council.

**FIERI FACIAS,**

7 W 4, c. 3—1837.

Testatum writ of, unnecessary, s. 33.

*See Execution.*

**FINANCE (PUBLIC DEBT AND ACCOUNTS.)****UPPER CANADA. (DEBT.)**

Loan of £400,000 authorized, 5 W. 4, c. 31, 1835.

Loan for redemption of certain Provincial debentures authorized, 3 W. 4, c. 58, 1833.

Loan of £200,000 authorized to cancel part of public debt, 4 W. 4, c. 53.

Loan of £1,000,000 sterling authorized, 1 V. c. 51, 1838.

Loan of £70,000 for payment of debt to Baring Brothers authorized, 3 V. c. 58, 1840. *See also Supplement.*

**CANADA. (DEBT.)**

Loan for £1,659,682 sterling for public works authorized, 4, 5 V. c. 28, 1841.

Sale of debentures facilitated, 2 V. c. 72.

Negotiation in England (with the guarantee of the Imperial Government) of the loan under the last Act, facilitated, 4, 5 V. c. 33, 1841.

Further provision as to the said loan, and sinking fund, 6 V. c. 8, 1842.

Loan of £117,800 on credit of consolidated revenue, for benefit of stockholders of Welland Canal, authorized, 7 V. c. 34, 1843.

Further loan of £2,779 18s. 9d. on credit of consolidated revenue, to meet claims of English stockholders in the said Canal, authorized, 8 V. c. 74, 1845.

Issue of debentures for remainder of the loan raised in England under guarantee of Imperial Government, (*see* 4, 5 V. c. 33), authorized, 9 V. c. 64, 1846.

Loan not exceeding, with the sum mentioned in the last Act, £520,833 11s. 1d., authorized, 9 V. c. 66, 1846.

Issue of debentures under the 9 V. c. 64 facilitated, and sinking fund under 6 V. c. 8. more effectually provided for, 10, 11 V. c. 2, 1847.

Loan of £125,000 currency for public works authorized, 11 V. c. 9, 1848.

Loan for £187,573 14s. 3d. for public works on credit of consolidated revenue fund, and £30,000 on credit of the

## FINANCE (PUBLIC DEBT AND ACCOUNTS.)

## CANADA. (DEBT.)

Upper Canada building fund, authorized, 13, 14 V. c. 2, 1850.

Loan for £196,580 15s. 2d. for public works, authorized, 14, 15 V. c. 72, 1851.

Loan not exceeding £4,000,000 for constructing a main trunk line of railway, authorized, 14, 15 V. c. 75, 1851.  
*But it does not seem that this loan can now be required, another arrangement for making the main trunk line having been adopted.*

Loan for £150,000 for public works, authorized, 16 V. c. 157, 1852.

Loan for meeting expenditure under Seigniorial Tenure Commutation Act, authorized, 18 V. c. 3, s. 17—18 V. c. 103, s. 3.

Loan for £350,000 for public works authorized, 18 V. c. 4, 1854.

Loan of £900,000 sterling to grand trunk railway company, authorized, 18 V. c. 174, 1855.

*See also Railways (as to the Provincial guarantee, instead of which debentures may in the discretion of the Governor in council, be exchanged for bonds of the Company, under 14, 15 V. c. 73, s. 22.)—Seigniorial Tenure—and the several matters for which Loans are authorized.*

## ACCOUNTS.

Act for the better management of the public debt, accounts, revenue and property, 12 V. c. 5, 1849.

Act for the better auditing of public accounts, 18 V. c. 78, 1855.

## FINANCE AND MONETARY AFFAIRS OF THE PROVINCE,

*See Supplement.*

## FINES AND FORFEITURES,

34 G. 3, c. 5—1794.

To be duly accounted for to Her Majesty.

11 G. 4, c. 1—1830.

All fines or penalties which by the law of England are appropriated for the poor, or to any parochial purpose, to be paid to the treasurer of the district for district purposes.

7 W. 4, c. 14, s. 5—1837.

Fines not otherwise appropriated to go to the use of the province.

*See also* 12 V. c. 10, art. 17.

4, 5 V. c. 12, s. 8—1841.

Clerks of the Peace and Sheriffs required to make returns to Inspector general of all fines, &c., and Justices to Q. S., s. 8.

12 V. c. 81—1849.

Fines under any municipal by-law to go one half to the informer, the other to the municipality, s. 185.

## FINES AND FORFEITURES,

The whole to the corporation in case of prosecution by the municipality, *ib.*

## FINES AND RECOVERIES,

9 V. c. 11—1846.

To provide for a more simple mode of assurance instead of, to facilitate the barring of entails, and the release or extinguishment of powers vested in married women, &c.

Interpretation clause, s. 1.

Estates tail no longer barrable by warranty, s. 2.

Actual tenant in tail may, after 1st July, 1846, dispose of lands entailed for an estate in fee simple or less estate, except as against parties having estates prior to the estate tail, &c., s. 3.

Exceptions and distinctions, s. 4, 5, 6.

Power to enlarge base fee, saving certain rights, s. 7.

Issue inheritable not to bar his expectancy, s. 8.

Extent of estate created by a tenant in tail, by way of mortgage, or other limited purpose, &c., s. 9.

Who shall be the protector of any settlement, ss. 10 to 19.

Settlor may appoint protector, s. 20.

Chancery to be protector in case of lunacy, &c., s. 21.

Consent of protector to be necessary to convert base fee into fee simple in certain cases, ss. 22, 23.

Protector to be subject to no control in the exercise of his power, s. 24.

Certain rules of equity not to apply as between protector and tenant in tail, s. 25.

Effect of certain deeds and acts of the tenant in tail upon the estate, ss. 26 27.

Consent of protector how to be given, ss. 30 to 33.

Disposition by tenant in tail to be by deed, and not by will, &c., s. 28.

To be registered, s. 29.

Consent by distinct deed to be registered, with or before assurance, s. 34.

Courts of equity not to give effect to acts of tenant in tail, or protector, which are not effectual at law, s. 35.

If the court of chancery be protector, ss. 36, 37.

Case of bankruptcy of the tenant in tail provided for, ss. 38 to 48.

Act to apply to lands of any tenure to be sold, where the purchase money is to be invested in lands and subject to entail, s. 49.

A married woman, with her husband's consent, may release or extinguish powers as if single;—provisions as to such deeds executed by a married woman, ss. 50, 51, 52.

And if the husband of such woman be a lunatic, s. 53.

*The provisions of this Act (which is the Imp. Act, 3, 4 W. 4, c. 74, adapted to Upper-Canada) are extremely technical and it is not possible to give an intelligible summary of all their details in any moderate space.*

## FIRE,

32 G. 3, c. 5—1792.

Justices in quarter sessions authorized to make by-laws, and regulations to prevent accidents by fire, in any place

## FIRE,

where forty houses, &c., may be within a square mile.  
*But see below as to places within Towns, &c.*

12 V. c. 81—1849.

Penalty 5s. for lighting a fire in any street or lane in police villages, s. 51. Municipal council of incorporated villages, towns and cities empowered to make by-laws for prevention of accidents by fire—for making regulations for the suppression of fires—pulling down adjacent buildings, purchasing, and regulating fire, hook, ladders property saving companies—providing rewards, and assisting widows and orphans of persons killed by accident at fires, s. 60, 67, 106.

*See also* Arson—Explosive Substance—Malicious Injury to Property—Railways.

## FIREMEN,

4, 5 V. c. 43—1841.

Act 7 G. 4, c. 8 repealed.

Corporations authorized to grant certificates of exemption to, from serving in militia or on juries, &c., s. 2. *But see below.*

Privilege forfeited for neglect of duty, s. 3.

May be formed into companies, in the discretion of corporation, *ib.*

12 V. c. 36—1849.

Exemption after seven years' service, except on juries.  
*But see below.*

12 V. c. 81—1849.

Municipalities of villages, towns and cities authorized to make by-laws for appointing firewardens, and fire engineers—for appointing and removing firemen—and for conduct of fire companies—hook and ladder companies, &c. s. 60, 67, 106.

14, 15 V. c. 85—1851.

Corporation of a City authorized to make by-laws for exemption of, after seven years' service, from statute labour, and serving on juries. *See also* 13, 14 V. c. 55, s. 5, as amended by 14, 15 V. c. 65, exempting firemen of regular companies from serving as jurors.

## FIREWORKS,

12 V. c. 81—1849.

Municipalities authorized to make by-laws for preventing, or regulating. s. 60, 67, 106.

## FISH,

3 V. c. 24—1840.

Inspectors to be appointed by the Governor, s. 1.

To take oath of office, s. 2.

To give security, *ib.*

To make annual returns to clerk of the peace, s. 3.

Duties of Inspectors in the matter of inspection, s. 4.

Barrels, how to be filled and branded, s. 5.

Penalty for mixing, or changing brand, s. 6.

**FISH,**

Inspection in one district sufficient, s. 7.

Materials of barrels, s. 8.

Penalty on inspector guilty of fraud, &c., s. 9.

Non-residents not allowed to fish in provincial waters, upon pain of imprisonment not less than 30 days nor more than 90 days, upon conviction before two justices, s. 10.

Inspector's duty, when part of the fish is unsound, s. 11.

Act not to apply to fish packed out of the province, s. 12.

7 V. c. 13—1843.

Prohibition against taking certain fish by spears or seines in any of the lakes or rivers in the counties of Stanstead, Sherbrooke, Shefford, Missisquoi and Drummond, Essex and Kent between the 1st August and the 1st December. Regulating fish-pounds on the St. Francis and taking of trout, s. 2.

Penalty on offenders not exceeding £2, recoverable before one or more justices, s. 3.

8 V. c. 47—1845.

Acts of U. C. 2 G. 4. c. 10. 4 and G. 4. c. 20 repealed.

Salmon not to be taken between 10th September and 1st March, s. 2.

Nor within 200 yards of the mouth of any river on Lake Ontario, or in the Bay of Quinté, s. 3.

Exception, if taken with nets along the shore of Lake Ontario between the 1st February and 1st August, *ib.*

Fish not to be taken by torchlight within 100 yards of any mill, s. 4.

No person to have any salmon in his possession during periods prohibited, s. 5.

Penalty on offenders not exceeding £10 nor less than 5s., s. 6.

Mode of recovery and application of penalties, ss. 7, 8, 9.

No fish to be taken in 20 mile pond in Louth, otherwise than by spear or hook and line, s. 10.

12 V. c. 81—1849.

Municipalities authorized to make By-laws for regulating or preventing fishing with nets or *seines*, or use of fishing lights, &c., within their localities. s. 60. 67. 106.

**FISH-DAM,**

4, 5 V. c. 26—1841.

Maliciously destroying the dam of any fish-pond or private fishery, misdemeanor, s. 15.

**FISHERY IN BURLINGTON BAY,**

Act for the preservation of, 6 W. 4, c. 15—1836.

**FLAMBOROUGH WEST AND ANCASTER,****FLOUR AND MEAL,**

4, 5 V. c. 89—1841.

Former acts repealed, s. 1.

Board of examiners, how and by whom, appointed, s. 2.

Inspectors to be appointed, by whom, and bond, s. 3.

## FLOUR AND MEAL,

- To be examined and give security, *ib.*
- Bond to be kept at the office of clerk of the peace, s. 4.
- Examination of inspector, s. 5.
- As to Inspectors already appointed, s. 7.
- Oath of office, s. 6.
- Inspectors at Quebec and Montreal to appoint assistants, s. 8.
- See 11 V. c. 6. as to other Inspectors.*
- To hold office at the pleasure of Inspectors, s. 9.
- See Ancaster.*
- Inspectors' duties as to mode of inspection, s. 10.
- To re-deliver the flour taken from the barrel on inspection under penalty of £5, s. 11.
- To provide brands designating qualities, s. 12. *See 13, 14 V. c. 29. s. 1.*
- Fee for inspection *ib.* *See 11 V. c. 6. s. 8.*
- Certificate of inspection and quality to be furnished, *ib.*
- Penalty £20, and forfeiture of office, for giving false certificate, *ib.*
- To ascertain weight of casks, under penalty of £20 for refusal, s. 13.
- Brand marks, description of, s. 14. *See 13, 14, V. c. 29.*
- Disputes respecting quality, how settled, s. 15.
- Penalty £5 for neglecting to inspect within two hours, s. 16.
- Flour or meal adulterated may be seized and detained by inspector, and offender liable to penalty not exceeding £20, s. 17.
- To be forfeited to the corporation, *ib.*
- Penalty for undermarking the tare of any barrel, s. 18.
- Penalty for selling, deficient weight s. 19.
- Inspectors not to deal in flour under penalty of £20, s. 20.
- Sections 21, 22, 23, are repealed by 13, 14 V. c. 29, which see.*
- Barrels, construction of, s. 24.
- Penalty £50 for obliterating or counterfeiting brand marks, s. 25.
- Or using empty barrels, branded, *ib.*
- Hiring or loaning brand marks, *ib.*
- Fines not exceeding £10 recoverable before two justices, s. 26.
- Exceeding £20 recoverable in any court of competent jurisdiction, *ib.*
- One moiety of, to belong to the municipality ; the other to the informer, *ib.*
- Actions to be commenced within six months, s. 27.

## FLOUR, MEAL AND OATMEAL,

11 V. c. 6—1848.

- Act 4, 5 V. c. 89 continued, s. 1.
- Inspectors of flour and meal to be inspectors of oatmeal, s. 2.
- Present board to be examiners of inspectors of flour, meal and oatmeal, s. 3. •
- Inspectors to appoint assistants when required, s. 4.
- To be approved by board of examiners, *ib.*
- To take oath of office and give security, *ib.*
- Sections 5, 6 are repealed by 13, 14 V. c. 29, which see.*



**FLOUR, MEAL AND OATMEAL,**

Inspectors' fees, s. 7.

Penalties of 4, 5 V. c. 89, extended to this Act, s. 8.

Correction of clerical error in 23rd sec. of said Act, s. 9.

13, 14 V. c. 29—1850.

Act to continue and amend the foregoing Acts.

*(The time of continuance is not limited and the continuance is not direct, though it may be inferred from the terms of the Act.*

Part of sec. 12 of 4, 5 V. c. 8, repealed, s. 1.

Sec. 14 of the same Act amended, s. 2.

Sec. 21 of the same Act and secs. 5, 6 of the 11 V. c. 6, repealed, s. 3.

The standard of quality fixed, *ib.*

Secs. 22 and 23 of the 4, 5 V. c. 89, repealed, s. 4.

Weights of barrels and half barrels of flour, &c., fixed, s. 5.

Proviso, as to existing contracts, s. 6.

**FORCIBLE ABDUCTION,**

*See* Abduction.

**FOREIGN JUDGMENTS,**

13, 14 V. c. 19—1850.

Proveable, by exemplification, under seal of the court. s. 1.

*See also* Evidence.

**FORECLOSURE,**

18 V. c. 127—1855.

Judgment creditor not a necessary party to, unless judgment registered, s. 2.

Decree of, to be registered, s. 4.

**FOREIGNERS,**

3 V. c. 12—1840.

During peace, taken in arms, may be tried by militia or general court martial, and on conviction suffer death, s. 2.

Subjects joining with may be tried and punished in like manner, s. 3.

May be tried before court of oyer and terminer, s. 4.

*See also* Aliens.

**FORGERY,**

10, 11 V. c. 9—1847.

Act to consolidate and amend the law relating to.

Forging the great seal of Canada, or of Upper or Lower Canada, to be felony, s. 1.

Forging the seal at arms of the Governor, or any commission, or any public register, &c., felony, s. 2.

Forging debentures, assignments of debentures, &c., bank notes, wills, marriage licences, promissory notes, bills of exchange, or indorsement, with intent to defraud, felony s. 3.

Certain forgeries punishable with death by any other law to be punishable under this Act, s. 4.

Forging letters patent, or enrolment, or registration of, felony, s. 5.

**FORGERY,**

Forging transfers of stock, or power of attorney for transfer of, or personating the owner of, felony, s. 6.

Personating owners of stock, land scrip, &c., felony, s. 7.

Forging the signature of witnesses to any power of attorney for transfer of stock, &c., felony, s. 8.

Forging deeds, bonds, memorials, receipts, notarial instruments, or any judicial proceeding, felony, s. 9.

Personating parties and giving recognizances, cognovit, &c., felony, s. 10.

Unlawful possession of forged bank notes, felony, s. 11.

Engraving bank notes, &c., without permission, and unlawful possession of plates, &c., offering or altering, felony, s. 12.

Forging, altering &c., foreign bills, notes, undertakings, &c., or engraving, or having plates, &c., in possession, felony, s. 13.

Offences punishable under the 5 Eliz. c. 14, punishable under this Act, s. 14.

Forging, altering, &c., any writing, &c., whether made within or without the province, or in whatever language, &c., punishable under this Act, if fraudulently used in the province, as also aiding or abetting such offence, s. 15.

Forging altering, &c. any bill of exchange, &c., payable out of this province, punishable under this Act, *ib.*

Other forgeries, how punishable, s. 16.

Offenders may be tried in the district, &c., where apprehended or in custody, s. 17.

Accessories and principals in the second degree, or after the fact, how punishable, s. 18.

*Fac simile* not required in indictments and what description sufficient, s. 19. *See also*, 18 V. c. 92, s. 7. 8.

What shall be deemed having in possession, s. 20.

What allegation as to party defrauded shall be sufficient, *ib.*  
*See also*, 18 V. c. 92, s. 9.

Persons interested, competent witnesses, s. 21.

Repeal of other Acts and parts of acts relating to forgery, s. 22.

Proviso as to punishment of offenders convicted after this Act, of offences punishable by Acts repealed, s. 23.

13, 14 V. c. 17—1850.

Forging, &c., any postage stamp, felony, s. 16.

13, 14 V. c. 19—1850.

Forging seal or signature to any official certificate, felony, s. 6.

16 V. c. 19—1852.

Forging, &c., any seal, stamp, or signature to certain documents or tendering such forgery in evidence, to be felony, s. 1.

**FORFEITED ESTATES,**

54 G. 3, c. 9—1814.

Certain persons who have obtained lands in U. C. and afterwards gone over to the enemy, declared aliens and incapable of holding lands, s. 1.

## FORFEITED ESTATES,

Commissions of inquiry to issue, s. 2. 3. 4.

Inquisition may be traversed within one year after peace established, or inquisition found, *ib.*

Act not to affect the claims of creditors, s. 3.

59 G. 3, c. 12—1818.

Commissioners to be appointed, in whom forfeited estates to be vested, s. 1.

Duties and proceedings of commissioners, s. 2. 3. 4.

Commissioners empowered to sell forfeited estates, s. 4.

Register of forfeited estates to be kept, s. 5.

Duplicates to be transmitted to the clerks of the peace where lands lie, s. 6.

Claims to, or out of, how made, s. 7.

Time of making claims, *ib.*

Claims not made within time limited, estate discharged, *ib.*

Mode of proceeding on such claims, *ib.*

Commissioners' decree final, unless appealed from within thirty days, *ib.*

Chief Justice and judges of the King's bench to be commissioners of appeal, *ib.*

Claims to be examined by commissioners in a summary way, s. 8. 9.

In what manner claims allowed shall be paid, s. 10.

Sheriff to put claimants in possession of estates decreed to them, s. 11.

Estates, when to be vested in commissioners, s. 12.

Commissioners to sell estates by auction, s. 13.

Further proceedings by commissioners, &c., s. 14. 15. 16. 17.

Proceedings in appeal, s. 18.

Oaths of office, security, &c., s. 20.

Special receiver to be appointed, s. 21.

Balance of moneys to be appropriated for war losses, *ib.*

2 G. 4, c. 6—1821.

Commissioners empowered to revise claims, where lands unsold, s. 1.

Commissioners authorized to correct erroneous returns and decree to rightful owners, s. 2.

Provisions of former act extended to certain aliens, s. 3.

Surplus of execution moneys to be paid to commissioners, s. 4.

Deeds of conveyance executed by a majority of the commissioners to be valid, s. 5.

9 G. 4, c. 1—1828.

No commission to be issued after the 1st July, 1828, except for rectifying errors, s. 1.

Claims admissible any time before actual sale, s. 2.

Provision enabling commissioners to rectify errors in certain cases where estate sold, s. 3.

Right of traverse saved, s. 4.

10 G. 4, c. 10—1829.

Power given to commissioners to convey to purchasers of lots erroneously returned as forfeited, other lots liable to forfeiture, s. 1.

**FORFEITED ESTATES,**

Commissioners to decree the lots relinquished to the right owners, s. 2.

Purchase money to be repaid in certain cases, s. 3.

**FORT ERIE CANAL COMPANY,**

Incorporated, 7 W. 4, c. 46.

**FORT ERIE AND BUFFALO SUSPENSION BRIDGE AND TUNNEL COMPANY,**

Incorporated, 14, 15 V. c. 172.

**FORWARDER,**

*See* Warehouseman.

**FRANCHISE,**

*See* Elective Franchise.

**FRAUDS, STATUTE OF,**

13, 14 V. c. 61—1850.

The seventeenth section of, extended to all contracts for goods of the value of £10 and upwards, to be delivered or made, &c., at a future time, s. 7.

**FRAUDULENT CONVEYANCE,**

5 W. 4, c. 3—1835.

With intent to defeat creditors, a misdemeanor, s. 8.  
Receivers also liable, *ib.*

**FREDERICSBURGH AND ERNESTOWN ROAD,**

*See* Ernestown.

**FREDERICSBURGH TOWNSHIP,**

Provision for survey of certain concessions in, 7 G. 4, c. 16.

**FREDERICSBURGH AND ERNESTOWN,**

Survey of Gore between, 4 W. 4, c. 20.

**FREE CHURCH IN DUNDAS,**

*See* Dundas.

**FREE GRANTS,**

16 V. c. 159—1853.

Not exceeding 100 acres may be made to actual settlers on line of roads in new settlements, s. 9.  
Or for markets and other public purposes, to the extent of 10 acres, s. 10.

**FREE TRADE,**

*See* Reciprocity.

**FRUITS,**

4, 5 V. c. 25—1841.

Stealing in any garden, &c., how punishable, s. 34.

**FUGITIVE CRIMINALS,**

37 G. 3. c. 15—1797.

From British North American Colonies, for apprehension and delivering of.

3 W. 4, c. 6—1833.

Escaping from other countries, to be delivered up in certain cases, s.

May be committed until application made to the Government, s. 2.

Provisions of the 37 G. 3, c. 15, relative to the colonies not to be affected, s. 3.

*See also* Extradition.

**G A L****GALT AND GUELPH RAILWAY COMPANY,**

Incorporated, 16 V. c. 42.

Charter amended, 18 V. c. 70.

**GALVIN, B.,**

Admission as an attorney, &c., 18 V. c. 251.

**GAMBLING,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating or suppressing horse racing, and gambling houses, s. 60, *art.* 9.

**GAME AND HUNTING,**

7 V. c. 12—1843.

Act 2 V. c. 12, 1839, repealed, s. 1.

Penalty not exceeding £10 nor less than 10s. for hunting or killing any deer, between 1st February and 1st August, or any game called wild turkey, prairie-hen, &c., between the 1st February and 1st September, s. 2, 3. *But see* 14, 15 V. c. 61, s. 1.

Or selling or having any such in possession, *ib.*

Or shooting, &c., any woodcock between 1st February and 15th July, *ib.* *But see* 16 V. c. 171.

Or snaring any wild turkey, *ib.*

Recoverable with costs before one justice, *ib.*

Charge to be in writing; proceedings thereon, ss. 4, 5.

Conviction not to be quashed for want of form, s. 6.

Levying fines, limitation of time for suing, ss. 7, 8.

Appeal given, s. 9.

Convictions to be forwarded to the sessions, s. 10.

Actions for any thing done under this Act to be brought within three calendar months, s. 11.

Application of penalties, s. 12.

Act not to extend to Indians, s. 13.

**GAME AND HUNTING,**

8 V. c. 46—1845.

Killing any wild swan, goose, duck, teal, pidgeon or snipe between the 10th May and 15th August prohibited, s. 1.  
 Trapping or snaring grouse or quail at night prohibited, s. 2.  
 Penalty for the above not exceeding £5 nor less than 5s., s. 3.

Recoverable before one justice, s. 4.  
 Act not to extend to Indians, s. 5.

14, 15 V. c. 61—1851.

Hunting or killing deer prohibited except between 1st August and 1st January, s. 1.  
 Shooting aquatic wild fowl limited to between 1st July and 1st January, s. 2.  
 Shooting snipe, lawful at all seasons, *ib.*  
 Penalties for contravention, same as under 7 V. c. 12, s. 3.  
 Inconsistent Acts repealed, s. 4.  
 Act 12 V. c. 60, prohibiting the poisoning of wild animals and regulating the sale of poisons—to apply to Upper Canada, s. 5. *See Poison.*

16 V. c. 171—1853.

The time for killing woodcock altered to period between 1st February and 15th August.

**GANANOQUE AND WILTSIE NAVIGATION COMPANY,**

Incorporated, 6 W. 4, c. 8.  
 Provincial loan to, authorized, 7 W. 4, c. 69.

**GAOL AND COURT-HOUSE,**

32 G. 3, c. 8—1792.

To be built in each district, s. 1. *See also* Counties—Cities—Municipalities.

**GAOLS,**

50 G. 3, c. 5—1810.

To be used as houses of correction, until erection of.

1 V. c. 5—1838.

To be built under direction of board of commissioners, s. 1.  
 How commissioners to proceed in settling the plan, &c., s. 5.  
 Commissioners to frame rules for the government of, s. 6.  
 “ to report annually to the legislature, *ib.*

3 V. c. 14—1840.

To prevent the introduction of spirituous liquors into.  
 Penalty on offenders, and how recoverable, ss. 1, 2.  
 Conviction not to be quashed for want of form, s. 3.  
 Attendance of witnesses and payment by fine, how enforced, ss. 4, 5.

**GAOLERS,**

32 G. 3, c. 8—1792.

To be appointed by the sheriff, s. 14.  
 Penalty on for permitting sale or introduction of liquors into the gaol, s. 15.  
 To receive yearly salary in lieu of fees, s. 17.

## GAOLERS,

3 W. 4, c. 3—1833.

How punishable for neglect of duties respecting convicts under sentence of death, s. 24.

## GAOL LIMITS,

11 G. 4, c. 3—1830.

Assigned to debtors: Former Acts repealed, s. 1.

Sheriff may recover damages against debtor leaving, or his bail, s. 4.

Bond to Sheriff may be assigned, and assignee sue in his own name, s. 5.

Assignee of bond may maintain action which Sheriff shall not release, s. 7.

Not allowed to debtor confined also on criminal charge, s. 6.

Bail for limits, may surrender their principal, s. 8.

Creditor may issue other execution against debtor charged upon *ca. sa.*, s. 9.

Household goods, &c, not exceeding £12 10s., exempt, *ib.*

Creditor may tender interrogatories to debtor on limits, who may be committed to close custody if he does not answer in twenty days, s. 10.

False answers to be perjury, s. 11.

3 W. 4. c. 2—1833.

Debtor on limits may be brought up to give evidence, s. 8.

4 W. 4, c. 10—1834.

Debtors on the limits having means of satisfying their debts may be committed to close custody, s. 4.

May be restored to limits on certain conditions, s. 5.

Obligations and liability of debtor applying to be restored to limits, s. 6.

May be committed to close custody upon neglect or refusal to render account of his real or personal estate, s. 7.

5 W. 4, c. 3—1835.

Debtor in execution upon gaol limits for sum not exceeding £20 entitled to discharge, s. 3.

10, 11 V. c. 15—1847.

Gaol limits extended to the whole of the district, (*county now*), s. 1.

Persons in custody for non-payment of costs, award, &c., entitled to, s. 2.

Proceedings for obtaining gaol limits, s. 5.

Bail bound to produce debtor within such time as the court or judge may order, s. 7.

16 V. c. 175—1853.

Further provision for facilitating the obtaining of gaol limits by party arrested, ss. 7, 8.

18 V. c. 69—1855.

Debtors on limits of unions of counties, entitled to limits extending over both or all of such counties, notwithstanding dissolution of union, s. 5.

## GARDENS,

4, 5 V. c. 25—1841.

Stealing any thing growing in, punishable by penalty not exceeding £5 over and above the value of the article, s. 34.

Recoverable before one justice, *ib.*

Subsequent offence to be felony, *ib.*

## GARDEN RIVER COPPER MINING COMPANY,

Incorporated, 10, 11 V. c. 76.

## GAS AND WATER WORKS,

16 V. c. 123—1853.

Municipal Loan Fund Act (16 V. c. 22, 1852) extended to works in incorporated towns, s. 7.

16 V. c. 173—1853.

General incorporation of joint stock companies for constructing.

Five or more persons to form a company, s. 1.

Capital not to exceed £50,000 if gas or water only supplied: £100,000 in case of both—to be divided into £5 shares, *ib.*

Company to be authorized by municipal By-law, *ib.*

Company when established to have general corporate powers, s. 2.

Not to hold real estate exceeding in value £7,500, *ib.*

Capital how to be contributed, s. 3.

Evidence of incorporation, s. 4.

Affairs to be managed by trustees elected by stockholders, s. 5.

Elections to be by ballot, s. 6.

Provision in case any election shall fail, s. 7.

A president and other officers to be appointed, s. 8.

Shareholders to pay in their stock when called for, s. 9.

Instalments not to exceed 10 per cent, *ib.*

Forfeiture for non-payment, *ib.*—*as amended by* 18 V. c. 94, sec. 3.

Trustees may sue for calls instead of declaring forfeiture, s. 10.

What only need be alleged or proved, s. 11.

Trustees may make by-laws, s. 12.

Shares on which calls are due, not transferable, s. 13.

Company not to purchase stock in any other corporation, *ib.*

Annual statements of affairs to be published, s. 14.

Penalty on trustees declaring dividends improperly, s. 15.

Company not to loan money to stockholders, s. 16.

Penalty on officers publishing false statement of affairs, s. 17.

Persons holding stock as executors, &c., not to be personally liable, s. 18.

Nor persons holding stock as security, *ib.*

Executors, &c., may vote on stock, s. 19.

But shall not be thereby qualified as trustees or office holders, *ib.*

A register of stockholders, debts and liabilities, &c., to be kept, s. 20.

Penalty for non-compliance, s. 21.



## GAS AND WATER WORKS,

- Company may sell gas meters, fittings, coke, &c., s. 22.
  - Stock how transferable, s. 23.
  - Stockholders indebted to the company not permitted to assign their stock until payment made, *ib.*
  - Municipality may subscribe for stock, or loan money to, s. 24.
  - Aliens authorized to hold stock in, s. 25.
  - Company empowered to break up streets for laying down the mains and pipes, &c., doing no unnecessary damage and preserving a free passage, s. 26.
  - May carry their works through private property on certain conditions, s. 27.
  - Not to endanger public health, s. 28.
  - Penalty for fraudulently obtaining gas or water, s. 29.
  - Penalty for wilfully damaging the works of, not exceeding £5, recoverable before one justice, s. 30.
  - Act not to prevent private gas or water works, s. 31.
  - Service pipes and other property of the company not to be liable for rent, &c., s. 32.
  - Penalty for wilfully damaging meters, lamps, &c., s. 33.
  - For extinguishing lights, injuring pipes, &c., s. 34.
  - Company authorized to cut off gas or water from defaulters, s. 35.
  - Company may borrow moneys to a certain amount on security of the works, s. 36.
  - Companies' bonds, &c., to be equitably and proportionably liquidated without preference, s. 37.
  - Directors may authorize the president to sign bonds, &c., s. 38.
  - Recovery and application of penalties, s. 39.
  - Provision for arbitration where works carried through private property, s. 41.
  - Certain property not to be used without the owner's consent, s. 42.
  - Interpretation clause, s. 43.
  - Exclusive privilege to other companies not to be infringed, s. 44.
  - Act may be amended, but without impairing then existing liabilities, s. 45.
- 18 V. c. 94—1855.
- Provision for increase of capital of any company, s. 1.
  - Limitation of increase, *ib.*
  - Names of subscribers for new stock to be entered, s. 2.
  - Liabilities of new shareholders, *ib.*
  - Sect. 9 of 16 V. c. 173, 1853, *amended* by inserting *one* month instead of *three* months, as the interval between calls on stock, s. 3.
  - President or three directors may call a special general meeting, s. 4.
  - Powers of stockholders at such meetings, s. 5.
  - Pipes of other companies not to be laid within a certain distance of those already laid down by any Company under this act and that amended by it, s. 6.
  - Word "Directors" substituted for "Trustees" in former Act, s. 7.

**GAS AND WATER WORKS,**

Sect. 43 of said Act (interpretation) incorporated with this,  
s. 8.

**GAS AND WATER COMPANIES, (PRIVATE ACTS,)**

*See Supplement, and the Corporate names of the Companies.*

**GAZETTE,**

*See Canada Gazette.*

**GENERAL DRAINAGE AND LAND IMPROVEMENT COMPANY,**

Incorporated, 18 V. c. 222.

**GENERAL ISSUE,**

7 W. 4, c. 14—1837.

Special matter may be given in evidence under, in actions  
against persons acting under corporations, s. 19.

**GENERAL QUARTER SESSIONS,**

*See Quarter Sessions, Court of.*

**GEOLOGICAL SURVEY,**

8 V. c. 16—1845.

Governor in council authorized to appoint proper persons  
to make a geological survey of the province.

A sum not exceeding £2,000 to be appropriated annually for  
a term not exceeding five years.

Extended by 13, 14 V. c. 12, 1850, for a limited time.

Further grants for, 18 V. c. 4, and 18 V. c. 90 (in the sche-  
dules.)

**GEORGINA TOWNSHIP,**

Separated from Ontario county and annexed to York, 16 V.  
c. 96.—School in. *See Johnson, W.*

**GERMAN EVANGELICAL CHURCH,**

For relief of, 18 V. c. 59.

**GIBRALTAR POINT LIGHT-HOUSE,**

Grant to improve and maintain 7 G. 4, c. 9—1826.

**GILKISON, A.,**

Admission as an attorney, &c., 10, 11 V. c. 109.

**GILMAN, E.,**

Admission as an attorney, &c., 10, 11 V. c. 110.

**GLENGARRY COUNTY,**

For the better division of, into townships, 59 G. 3, c. 3.

**GLOUCESTER TOWNSHIP,**

Collection of taxes for 1844, 8 V. c. 65.

Side-lines in Gore defined, 9 V. c. 49.

**GODERICH,**

Canada Company enabled to make harbour at, 7 W. 4, c. 50.

**GORE DISTRICT,**

Erected, 56 G. 3, c. 19.

See Niagara and Gore.

**GORE AND WELLINGTON DISTRICTS,**

Arrangement between, confirmed, 4, 5 V. c. 75.

**GORE BANK,**

Incorporated, 5 W. 4, c. 46.

Charter amended, 2 V. c. 41 ; and again, 12 V. c. 169.

**GOULD, IRA, AND OTHERS,**

Naturalized, 14, 15 V. c. 43.

**GOVERNMENT BUILDINGS, TORONTO, (SEAT OF GOVERNMENT.)**

16 V. c. 161—1853.

£50,000 granted for the erection of a government house and parliament buildings, &c., s. 1.

To be built on University Ground, paid for to the University Fund, s. 2.

Money to be paid out of the university fund and interest paid to the fund by the Province, s. 3.

Site of present parliament building to be sold, &c., s. 4.

Accounting clause, s. 5.

**GOVERNMENT, CLAIMS OF, AGAINST COMPANIES,**

13, 14 V. c. 71—1850.

Act for disposal of : Governor in Council may assign them, s. 1.

Municipalities may purchase, *ib.*

**GRACE, OLIVER,**

Attainder of, reversed, 12 V. c. 175.

**GRAFTON HARBOUR COMPANY,**

Incorporated, 7 W. 4, c. 47.

**GRAIN AND PULSE,**

16 V. c. 193—1853.

To establish a standard weight for.

Act 5 W. 4, c. 7, repealed, s. 1.

Certain weights established, as equal to the Winchester bushel, s. 2.

In all contracts made after this act the bushel shall be deemed to mean the weight, and not the measure, unless the contrary have been agreed, s. 3.

This act is extended to Lower Canada by 18 V. c. 15.

**GRAMMAR SCHOOLS,**

16 V. c. 186—1853.

Grammar School Fund, how to be constituted, s. 1.

In what securities to be invested, *ib.*

Annual income to be apportioned among the counties and unions of counties in Upper Canada, by the chief superintendent of schools, *ib.*

**GRAMMAR SCHOOLS,**

Proviso when the senior grammar school is in a city, *ib.*

Assessments may be levied for purchase of sites for and support of grammar schools, s. 2.

Notice of annual apportionment to be given to the county council and inspector-general by the chief superintendent, s. 3.

Apportionment to be payable half yearly, *ib.*

To be expended solely in paying teachers, s. 4.

Certain subjects to be taught in grammar schools, s. 5.

The council of public instruction to select books and prepare a programme of studies and appoint a special inspector of grammar schools, s. 6.

Duties of chief superintendent with respect to grammar schools, s. 7.

The present trustees to remain in office until new boards appointed, s. 8.

New boards of trustees how constituted, s. 9.

A board of trustees to be appointed for each grammar school by the municipal council of each county, or union of counties hereafter to be formed or set apart, s. 10.

Boards of trustees incorporated, s. 11.

Duties of such boards, *ib.*

1. Appointment of officers,

2. Taking charge of schools, appointing teachers, &c. ; taking care of building, &c. ; applying to the municipality for funds.

Masters of grammar Schools to be examined unless graduates.

3. To settle amounts to be paid for each pupil—appropriate moneys—provide apparatus, books, &c. To sue for and recover school moneys, &c.

4. To effect the union of grammar schools with common schools, as they may judge expedient.

5. To see that the pupils are supplied with proper textbooks—half-yearly examinations held—and schools properly conducted.

6. To give the necessary orders for the payment of salaries and expenses ; to make an annual report of school matters to the chief superintendent.

Names by which grammar schools shall be designated, s. 12.

The grammar school at the county town to be the senior county grammar school, s. 13.

Provision for the appointment of additional grammar schools, in certain cases and on certain conditions, s. 14.

Grammar schools, where to be kept, s. 15.

Masters of senior grammar schools to keep meteorological journals, s. 16.

Grammar schools to be provided with certain scientific instruments, *ib.*

Former Acts repealed, s. 17.

This Act to commence on the 1st January, 1854, s. 18.

18 V. c. 121—1855.

Trustees of, or of other public educational institutions, authorized to surrender to the crown, lands unsuitable for school sites, s. 1.

## GRAMMAR SCHOOLS,

Provision for sale thereof, *ib.*

Application of purchase moneys, *ib.*

Surrender to the crown need not be formally accepted, s. 2.

Purchasers not bound to see to application of purchase money, s. 3.

Rights of private parties not to be impaired, s. 4.

The crown authorized to grant to the trustees of any grammar school, or any other educational institution, lands so surrendered, s. 5.

Act to apply to Upper Canada only, s. 6.

18 V. c. 132—1855.

Additional legislative grants of this session to be disposed of as follows, s. 1:—

1. A sum not exceeding £1,000 per annum, for the establishment and maintenance of a model grammar school in connexion with the normal and model schools for Upper Canada.
2. A sum not exceeding £250 per annum, for payment of inspectors of grammar schools.
3. A sum not exceeding £2,500 per annum, for providing grammar schools and common schools with maps and apparatus.
4. A sum not exceeding £3,500 per annum, for the establishment and extension of public libraries in connexion with the grammar and common schools in Upper Canada.
5. A sum not exceeding £350 per annum, for payment of two assistant clerks and salesman of the public library, map and school apparatus in connexion with the department of public instruction in Upper Canada.

## GRAND DIVISION OF THE SONS OF TEMPERANCE

Of Canada West, incorporated, 14, 15 V. c. 159.

## GRAND JUNCTION RAILROAD COMPANY,

Incorporated, 16 V. c. 43.

Union with Grand Trunk Railway Company, 18 V. c. 33, ss. 1, 2.

## GRAND JURY,

*See* Juries.

## GRAND LARCENY,

*See* Larceny.

## GRAND RIVER NAVIGATION COMPANY,

Incorporated, 2 W. 4, c. 13.

Charter amended, 3 W. 4, c. 21.

Provincial loan to, 7 W. 4, c. 73.

Election of Directors, 4, 5 V. c. 74.

Stock increased, 12 V. c. 159.

Loan, 14, 15 V. c. 151; 16 V. c. 139.

Assumption by Government, 16 V. c. 256.

**GRAND RIVER NAVIGATION,**

16 V. c. 256—1853.

Act to authorize its being made a public work.

Question to be decided at a meeting of the stockholders with the consent of the Governor, 1, s. 2.

£150,000 may be raised by the municipal authorities of the counties of Brant and Haldimand upon the credit of the consolidated municipal fund.

Proclamation to issue, when that sum is raised and declared sufficient, s. 4.

Moneys raised to be applied in improvement of the navigation under Commissioners of public works, and payment of debts and liabilities, s. 5.

Tolls, how applied, s. 6.

Separate accounts to be kept, s. 7.

Owners of mills, &amp;c., to make towing paths, s. 8.

Provision in sec. 8 to apply to bridges also, s. 9.

Navigation not to be impeded by saw logs, &amp;c., s. 10.

Penalty for contravention of sections 8 and 10, s. 11.

How recoverable, s. 12.

Masters of vessels to make certain affidavits, s. 13.

In case municipalities do not raise the requisite amount.

Company authorized to sell to any municipality, or other party, s. 14.

Municipalities authorized to purchase, s. 15.

**GRAND TRUNK RAILWAY COMPANY,**

Incorporated, 16 V. c. 37.

Provincial guarantee limited, s. 27.

Charter amended, 18 V. c. 33.

Union of divers railway companies, and undertakings with it, confirmed, viz., Grand Trunk of Canada East—Grand Junction—Toronto and Guelph—Quebec and Richmond—St. Lawrence and Atlantic—and Victoria Bridge at Montreal, ss. 1. 2.

Increase of capital, ss. 7, 8.

Lien for guarantee, and conditions on which guarantee shall be hereafter given, s. 20.

May alter location in Toronto, 18 V. c. 175.

Provincial loan of £900,000, 18 V. c. 174.

*See also Railways.***GRANTHAM NAVIGATION COMPANY,**

Incorporated, 1 V. c. 29.

**GRANTHAM ACADEMY,**

Trustees of, incorporated, 11 G. 4, c. 13.

Aid to, by way of loan, 7 W. 4, c. 84.

**GREAT WESTERN RAILWAY COMPANY,**

Acts of U. C. (London and Gore) revived, 8 V. c. 86.

Charter amended, 9 V. c. 81 ; 12 V. c. 156 ; 16 V. c. 99.

Municipal Corporations empowered to take stock or aid it, &amp;c., 13, 14 V. c. 129.

May make branch to Galt, 13, 14 V. c. 130.

**GREAT WESTERN RAILWAY COMPANY,**

Portions of certain streets in London vested in, 16 V. c. 229.  
May make branch to Brantford, 18 V. c. 176.

**GRIMSBY BREAKWATER AND HARBOUR COMPANY,**

Incorporated, 5 W. 4, c. 16.  
Time for completing prolonged, 13, 14 V. c. 135.

**GRIMSBY AND QUEENSTON ROAD,**

*See* Queenston and Grimsby.

**GUARDIANS,**

8 G. 4, c. 6—1827.

Act respecting the appointment of.  
How, and by whom appointed, s. 1.  
To give security by bond, *ib.*  
Their powers and authorities, s. 2.  
Provision for their removal, s. 3.  
In what cases appointment may be made by the surrogate or probate court, s. 4.  
Appeal from the surrogate court to the probate court, *ib.*  
Appeal from the probate court to the Governor in council, s. 5.  
Official fees, s. 6.

2 W. 4, c. 35—1832.

May act for infants in matters of partition of real estate, s. 9.

13, 14 V. c. 50—1850.

May execute conveyances in equity suits for partition, on behalf of their wards, s. 8.  
*See* Common Law, Superior Courts of—Chancery—Infants—Minors.

**GUELPH AND ARTHUR ROAD COMPANY,**

Incorporated, 10, 11 V. c. 91.

**GUELPH AND DUNDAS ROAD COMPANY, <sup>A</sup>**

Incorporated, 10, 11 V. c. 88.  
Charter amended, 13, 14 V. c. 133.

**GULF OF ST. LAWRENCE,**

9 V. c. 60—1846.

£19,000 due to the province by the Montreal harbour commissioners appropriated for improving the navigation of, from Quebec to the ocean.

**GULL ISLAND LIGHT-HOUSE,**

Grant to erect, &c., 5 W. 4, c. 41—*See also* 6 W. 4, c. 43,—7 W. 4, c. 88,—2 V. c. 58.

**GUNPOWDER,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating magazines for and sale of, s. 60, *art.* 13.

**GWILLIMBURY, NORTH,**

*See* North Gwillimbury.

**GWILLIMBURY, WEST,**  
See West Gwillimbury.

## H A B

### **HABEAS CORPUS,**

3 W. 4, c. 2—1833.

Prisoner in criminal cases bailable in same manner as if brought up before the court by *habeas corpus*, s. 7.

Prisoner in gaol, or on the limits, may be brought up to give evidence by order of the court without *habeas corpus*, s. 8. See also 4, 5 V. c. 24, ss. 6, 11.

### **HALLOWELL, TOWNSHIP,**

Divided into two townships, 3 V. c. 39.

### **HALLOWELL AND SOPHIASBURGH,**

Boundary line between townships, 12 V. c. 100.

### **HALTON COUNTY,**

To separate from Wentworth, 16 V. c. 218.

Provisions consequent on separation, 18 V. c. 69.

### **HAMILTON, CITY,**

Gore of King-street vested in Corporation, 16 V. c. 33.

To negotiate loan to consolidate debt, 16 V. c. 95.

May negotiate loan of £50,000, 18 V. c. 147.

### **HAMILTON, TOWNSHIP,**

Survey confirmed, 18 V. c. 172.

### **HAMILTON AND BRANTFORD,**

To macadamize the road between, 7 W. 4, c. 78.

### **HAMILTON COLLEGE,**

Incorporated, 18 V. c. 240.

### **HAMILTON GAS-LIGHT COMPANY,**

Incorporated, 13, 14 V. c. 136.

Charter amended, 16 V. c. 251.

### **HAMILTON AND GORE MECHANICS' INSTITUTE,**

Incorporated, 12 V. c. 110.

### **HAMILTON HOTEL COMPANY,**

Incorporated, 16 V. c. 147.

### **HAMILTON MERCANTILE LIBRARY ASSOCIATION,**

Incorporated, 12 V. c. 109.

### **HAMILTON ORPHAN ASYLUM,**

Trustees of, incorporated, 16 V. c. 67.



**GREAT WESTERN RAILWAY COMPANY,**

Portions of certain streets in London vested in, 16 V. c. 229.  
May make branch to Brantford, 18 V. c. 176.

**GRIMSBY BREAKWATER AND HARBOUR COMPANY,**

Incorporated, 5 W. 4, c. 16.  
Time for completing prolonged, 13, 14 V. c. 135.

**GRIMSBY AND QUEENSTON ROAD,**

*See* Queenston and Grimsby.

**GUARDIANS,**

8 G. 4, c. 6—1827.

Act respecting the appointment of.  
How, and by whom appointed, s. 1.  
To give security by bond, *ib.*  
Their powers and authorities, s. 2.  
Provision for their removal, s. 3.  
In what cases appointment may be made by the surrogate  
or probate court, s. 4.  
Appeal from the surrogate court to the probate court, *ib.*  
Appeal from the probate court to the Governor in council,  
s. 5.  
Official fees, s. 6.

2 W. 4, c. 35—1832.

May act for infants in matters of partition of real estate,  
s. 9.

13, 14 V. c. 50—1850.

May execute conveyances in equity suits for partition, on  
behalf of their wards, s. 8.  
*See* Common Law, Superior Courts of—Chancery—In-  
fants—Minors.

**GUELPH AND ARTHUR ROAD COMPANY,**

Incorporated, 10, 11 V. c. 91.

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Charter amended, 13, 14 V. c. 133.

**GULF OF ST. LAWRENCE,**

9 V. c. 60—1841.

£19,000 due to the province by Montreal harbour com-  
missioners appropriated for improving the navigation of  
from Quebec to the ocean.

**GULL ISLAND LIGHT-HOUSE,**

Grant to erect, &c., 5 W. 4, c. 41—*See*  
43,—7 W. 4, c. 88,—27 V. c. 18.

**GUNPOWDER,**

12 V. c. 10—1846.

Municipalities authorized to  
magazines for

**GWILLIMBURY, NO.**

*See* North G.

**GWILLIMBURY, WEST,**  
See West Gwillimbury.

## H A B

### **HABEAS CORPUS,**

**3 W. 4, c. 2—1853.**

Prisoner in criminal cases ~~brought up before the court~~ brought up before the court: ~~by writ of habeas corpus~~ 17

Prisoner in gaol, or on the limits, may be brought up to give evidence by order of the court without habeas corpus, s. 8. See also 4, 5 V. c. 24, ss. 6, 11.

### **HALLOWELL, TOWNSHIP,**

Divided into two townships, 3 V. c. 29.

### **HALLOWELL AND SOPHIASBURGH,**

Boundary line between townships, 12 V. c. 100.

### **HALTON COUNTY,**

To separate from Wentworth, 16 V. c. 236.

Provisions consequent on separation, 16 V. c. 236.

### **HAMILTON, CITY,**

Gore of King-street vested in Corporation, 16 V. c. 236.

To negotiate loan to consolidate debt, 16 V. c. 236.

May negotiate loan of £50,000, 16 V. c. 236.

### **HAMILTON, TOWNSHIP,**

Survey confirmed, 18 V. c. 172.

### **HAMILTON AND BRANTFORD,**

To macadamize the road between ~~the two townships~~ PRIVATE

### **HAMILTON COLLEGE,**

Incorporated, 18 V. c. 240.

Names—and

### **HAMILTON GAS-LIGHT COMPANY,**

Incorporated, 16 V. c. 236.

Charter amended, 16 V. c. 236.

### **HAMILTON AND THE MICHIGAN RAILWAY COMPANY,**

Incorporated, 9 V. c. 12; 10, 11 V. c.

Incorporated, 16 V. c. 236.

### **HAMILTON AND THE MICHIGAN RAILWAY COMPANY,**

Incorporated, 16 V. c. 236.

Charter amended, 16 V. c. 236.

Charter amended, 16 V. c. 236.

Charter amended, 16 V. c. 236.

Any county or city authorized to make laws relating and governing, s. 2.

**HAMILTON AND PORT DOVER,**

For making a road between, 4 W. 4, c. 34.

**HAMILTON AND PORT DOVER RAILWAY COMPANY,**

Incorporated, 16 V. c. 102.

**HAMILTON AND SOUTH WESTERN RAILWAY CO.,**

Incorporated, 18 V. c. 193.

**HAMILTON AND TORONTO RAILWAY COMPANY,**

Incorporated, 16 V. c. 44.

Act amended, 18 V. c. 180.

**HAMILTON WATER-WORKS COMPANY,**

Incorporated, 16 V. c. 66.

**HAMILTON, R. J.,**

Concession line in Barton vested in, 9 V. c. 48.

**HANDLEY, W.,**

To provide for the management of his estate, 3 V. c. 30.

**HARD LABOUR,**

3 W. 4, c. 3—1833.

When punishment of, may be inflicted, s. 25.

*See also* Acts, 7 W. 4, c. 6—4, 5 V. c. 24, s. 28—c. 25, s. 59—c. 26, s. 27—c. 27, s. 36—and Industrial Farm.

**HARBOURS,**

9 V. c. 37—1846.

Management of those constructed with provincial funds transferred to commissioners of public works, s. 7.

To be vested in Her Majesty, s. 23.

Harbours specially mentioned in Schedule as referred to in the act:

**LAKE ERIE.**

Rondeau, including the piers, breakwaters and inner basin,  
Port Stanley Harbour and inner basin,

Port Burwell “ “

Port Dover “ “

Port Maitland “ “

Port Colborne “ “

**LAKE ONTARIO.**

Port Dalhousie Harbour,

Burlington Bay Canal,

Windsor Harbour.

12 V. c. 5—1849.

Sale and transfer of, to local authorities, authorities or companies, authorized, s. 12.

*See also* Public Works.

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating, and for imposing harbour dues, s. 60, *art.* 7.

**HARBOUR AND DOCK, &c., COMPANIES,**

16 V. c. 124—1853.

General incorporation of joint stock, &c., companies, for the construction of harbors, or of piers, wharves, docks, &c.

Any number of persons not less than five may form a company, s. 1.

Consent of the municipality to be first obtained, *ib.*

Private property not to be taken without the owner's consent, *ib.*

Articles to be executed and registered, s. 2.

Incorporation and general powers, s. 3.

Directors how appointed or elected, s. 4. *But see* 18 V. c. 22.

Shares to be £5 each, s. 5.

Amount of calls how recoverable, s. 6.

President and officers how appointed, s. 7.

Vacancies among directors how filled up, s. 8.

Rates of tolls how fixed, s. 9.

Provision for enforcing payment of, s. 10.

Municipalities may hold stock in, s. 11.

Votes upon such stock, *ib.*

Company may sell their works to the municipality, s. 12.

Loans may be raised by municipality purchasing, under the Consolidated Municipal Loan Fund Act, *ib.*

Company to render annual accounts to the municipality, s. 13.

Increase of capital, provision for, s. 14.

Company authorized to raise money on the property not exceeding one half its value, s. 15.

Rates of tolls and wharfage limited, s. 16.

Municipality may after 21 years, purchase the whole stock at its current value, s. 17.

Reservation of right to amend the act, so as to protect the public, s. 18.

18 V. c. 22—1854.

Sect. 4 of the foregoing Act amended, as to elections of directors.

**HARBOUR, WHARF, DOCK, &c., COMPANIES, (PRIVATE ACTS,)**

*See the several Companies by their Corporate Names—and Supplement.*

**HARRISON, S. B.,**

Admission as an attorney, &c., 7 V. c. 58.

**HASTINGS COUNTY,**

To remedy defects in registration, 9 V. c. 12; 10, 11 V. c. 38; 12 V. c. 97.

**HAWKESBURY TOWNSHIP,**

Divided into two, 7 V. c. 39.

**HAWKERS AND PEDLERS,**

16 V. c. 184—1853.

All former Acts repealed, s. 1.

Municipality of any county or city authorized to make by-laws for regulating and governing, s. 2.

**HAWKERS AND PEDLERS,**

And for requiring parties to take out a license, *ib.*  
 And for fixing the amount payable, *ib.*

18 V. c. 134.

Persons selling only Provincial productions and manufactures, exempt from any duty to be imposed by municipalities, s. 1.

By-Laws imposing duty on them to be void, s. 2.

**HEALTH, PUBLIC,**

*See* Public Health.

**HEIR,**

4 W. 4, c. 1—1834.

Entitled under will, to take as devisee, s. 2.

Entry by, not necessary to complete title by descent, s. 10.  
*See also* Primogeniture.

**HEIR AND DEVISEE, &c., CLAIMS TO UNPATENTED CROWN LANDS,**

8 V. c. 8—1845.

Former Acts repealed, s. 1.

Commissioners to be appointed by the Governor, and *quorum*, s. 2. *But see*, 14. 15 V. c. 12.

Empowered to determine who is the party entitled to the patent, *ib.*

Sittings, to be at Toronto, on the first Monday in January and July in each year, to continue thirteen days, Sundays and holidays excepted, *ib.*

Commissioners to appoint their clerk, *ib.*

Any Act authorized to be done by one commissioner, may be performed in or out of the sittings, *ib.*

What claims may be brought before the commissioners and on what evidence, s. 3.

Commissioners authorized to command the attendance of witnesses, and may issue commissions for examination of, examine parties, &c., s. 4.

Penalty £25 on witnesses refusing to attend, *ib.*

Interrogatories not answered to be taken *pro confessis*, *ib.*

Affidavit to be made by claimant, s. 5.

Thirty days' notice of claim to be given in the office of the clerk of the peace, s. 6.

Certificate to be produced, *ib.*

Clerk of the peace, his duties with respect to notices, *ib.*

Fee for certificate, 2s. 6d., *ib.*

Commissioners may adjourn claim, and give time for evidence, &c., s. 7.

To reject or allow claims according to justice and equity, s. 8.

To report thereon to the Governor in council, *ib.*

Patent to issue on such report, *ib.* *See also* 16 V. c. 159, s. 26.

“ not to affect existing incumbrances, *ib.*

“ not to issue until one calendar month after report, s. 9.

“ may be stayed upon subsequent report, *ib.*

Purchasers of unpatented lands sold for taxes may file their claims for patent, s. 10.

Effect of mortgages, &c., granted before the issue of patent, s. 11.

**HEIR AND DEVISEE, &c.,**

Unfinished proceedings of former commissioners to be completed, s. 12.

Affirmation may be made instead of oath, s. 13.

Commissioners to establish rules and regulations, s. 14.

Costs allowed to witnesses, s. 15.

Fees payable to commissioners' clerk, &c., s. 16.

Certified copies of proceedings and orders of commissioners to be evidence at law, s. 17.

Interpretation clause, s. 18.

14, 15 V. c. 12—1851.

Commissions to be directed to the judges of Queen's bench and common pleas, and the chancellor and vice-chancellors and as many others as the Governor may see fit, s. 1.

Any three to be a quorum :—The chief justice of the Q. B. or C. P., or one of the judges or vice-chancellors, being one, *ib.*

14, 15 V. c. 56—1851.

Right to patent when established, may be assigned, s. 4.

**HESPELER, J.,**

May build a dam on the Grand River, 18 V. c. 246.

**HIGH TREASON,**

3 W. 4, c. 3—1833.

Certain Acts declared to be ; and how punishable. s. 1.

British statute 2, 3 Anne, relative to correspondence with an enemy, to be in force, s. 14.

Sentence, in certain cases, mitigated, s. 19.

4, 5 V. c. 24.

Jury on trial for, not to inquire concerning prisoner's lands or goods or whether he fled, &c., s. 16.

See also Attainder—Rebellion.

**HIGHWAYS,**

50 G. 3, c. 1—1810.

Road allowances—roads laid out under Act of parliament and roads on which public money has been expended or statute labour performed, and roads through Indian lands, to be deemed public highways, s. 12.

Soil and freehold of, to be vested in the crown, s. 35.

12 V. c. 35—1849.

Allowances for roads, streets, or commons in towns and villages, and upon which lots of land fronting thereon have been sold, to be public highways, s. 41.

12 V. c. 81—1849.

All powers and duties heretofore vested in justices in sessions with respect to highways to be vested in the municipal council of the county or counties, s. 190.

Municipal councils authorized to make by-laws for the appointment of overseers of highways and road surveyors, s. 31.

For opening, making and repairing, &c., any new or existing highway within such township, *ib.*

## HIGHWAYS,

For requiring timber to be cut by the proprietor on each side of any highway, *ib.*

For the protection and preservation of timber, stone, sand or gravel upon any allowance or appropriation, and for sale of any timber growing thereon, *ib.*

For regulating driving, &c., *ib.*

County councils may make by-laws for opening, &c. a certain roads and for the preservation of timber on certain road allowances, s. 41.

Original allowances for roads not to be stopped up by municipal council of any county or township, except in cases specially mentioned, s. 187, *as amended by* 13, 14 V. c. 64.

Site of the old road not being an original road allowance, how dealt with, if road is placed elsewhere, s. 32 of 16 V. c. 181—*substituted for* s. 188 of the said Act 12 V. c. 81.

No road laid out under this Act to be more than 90 feet wide nor less than 40 feet, s. 189.

Municipal corporations may authorize by by-law contracts for planking, &c., or building any bridge, and grant the tolls in payment for not exceeding twenty-one years, s. 191, *as amended by* 14, 15 V. c. 109.

No by-law to be made for stopping up or altering any highway, &c., until one calendar month's notice given, s. 192, *as amended by* 13, 14 V. c. 64.

County councils may assume any highway, road, street or bridge within any township, how and with what effect, s. 37.

Roads and bridges between different townships to be under the control of county council, s. 38.

Between two counties, under the jurisdiction of both, s. 39.

County council authorized to make by-laws for opening and making any new, or repairing any existing highway within one or more, or between two or more townships, or between such county and the adjoining county, or on the bounds of any town, or incorporated village, s. 41, *as amended by* 14, 15 V. c. 109.

And for stopping up, changing or diverting any such highway, &c., *ib.*

For the protection and preservation of timber, stone, sand or gravel upon any allowance or appropriation for county roads, *ib.*

13, 14 V. c. 15—1850.

Roads and bridges in cities and incorporated towns to be vested in the municipality and kept in repair at their cost, s. 1.

In case of default the corporation to be guilty of misdemeanor and punishable by fine, *ib.*

Also civilly responsible for damages, *ib.*

Provincial roads &c., when relinquished by the commissioner of public works to be under the control and maintained by the local municipal authority, s. 2.

Provision as to the bridge over the river Don, at Toronto, *ib.*

**HIGHWAYS,**

16 V. c. 123—1853.

Municipal loan fund Act 16 V. c. 22, 1852, extended to loans raised by a town, for a plank or macadamized road which will benefit it, s. 2.

*See also* Statute Labour.

**HIGHWAYS, TRAVELLING ON,**

18 V. c. 138—1855.

Act 16 V. c. 189, and all inconsistent Acts repealed, s. 1.

Carriages, &c., meeting to turn to the right hand, s. 2.

In cases of extreme weight, the driver to stop, *ib.*

Carriages &c. overtaken, to turn to the right and allow vehicle or horseman to pass, s. 4.

In case of extreme weight to stop if required, and if necessary to assist in safe passage of the other vehicle, *ib.*

Parties in charge of any vehicle or horse guilty of drunkenness to be subject to the penalties of the Act, s. 4.

Racing and furious driving, shouting, or using improper language, prohibited, s. 5.

Fast driving over bridges prohibited, s. 6.

Not less than two bells to be attached to the harness of each horse or horses in any cutter or sleigh, &c., s. 7.

Penalty on offenders not less than 5s. nor more than £5, recoverable before one justice, s. 8.

To be levied by distress and sale, *ib.*

Commitment in default of distress for not less than *one* day nor more than twenty days, *ib.*

Application of fines, s. 9.

Appeals allowed, s. 10.

**HILLIER, TOWNSHIP,**

*See* Ameliasburgh.

**HOLIDAY,**

12 V. c. 10—1849. (Interpretation Act.)

What days the word "Holiday" shall include in any Provincial Statute hereafter made, s. 5, *art.* 12.

18 V. c. 10—1854.

When the last day of grace on a bill or note expires on a Sunday or Holiday, it shall be payable the day after, s. 1.

**HOME DISTRICT,**

Magistrates empowered to erect a new gaol, 7 W. 4, c. 40.

And to borrow money for completing new gaol and courthouse, 2 V. c. 44.

To continue the improvement of certain roads in, 6 W. 4, c. 30; 7 W. 4, c. 76.

To consolidate debts due by, 4, 5 V. c. 58.

**HOMICIDE,**

4, 5 V. c. 27—1841.

Committed *se defendendo*, or by misfortune, not punishable, s. 8. *See also* Murder—Manslaughter.



## HOP BINDS,

4, 5 V. c. 26—1841.

Maliciously destroying, felony, s. 18.

## HORSES, &amp;c.

4, 5 V. c. 25—1841.

Stealing of, how punishable, s. 29.

12 V. c. 81—1849.

Municipalities authorized to make by-laws against immoderate riding or driving, s. 41, *art.* 14, s. 60, *art.* 17.

## HORSES AND CATTLE RUNNING AT LARGE,

12 V. c. 81—1849.

Township municipalities authorized to make by-laws for restraining, s. 31.

For appraising the damages for trespassing, *ib.*For causing cattle impounded to be sold, *ib.* See also Pounds.

## HOTELS,

16 V. c. 172—1853.

Provisions of Act 13, 14 V. c. 28 (for incorporation of companies for manufacturing, mining, &amp;c., extended to companies for erecting public hotels, baths or bath-houses, &amp;c., s. 1.

See Manufacturing, &amp;c., Companies.

## HOUSE OF ASSEMBLY,

See Legislative Assembly.

## HOUSE BREAKING,

4, 5 V. c. 25—1841.

Breaking and entering any building, not being part of the dwelling-house, and stealing therein, how punishable, s. 19.

Breaking and entering any shop, warehouse or counting-house, and stealing therein, how punishable, s. 20.

See also Burglary.

## HOUSE OF CORRECTION,

50 G. 3, c. 5—1810.

Until houses of correction erected, the common gaol of the district (*now* county) substituted therefor.

12 V. c. 81—1849.

Municipality of the county authorized to make by-laws for the erection and repair of, &amp;c., s. 41.

To be the house of correction of any town within the limits or on the borders, s. 68.

Cities may erect, &amp;c., s. 107.

## HOUSE OF INDUSTRY,

7 W. 4, c. 24—1837.

Provision for the erection of, and appointment of inspectors, s. 1.

Any two justices, or inspectors, may commit to, s. 3.

**HOUSE OF INDUSTRY,**

Who liable to be committed, s. 4.

Inspectors to keep accounts, s. 5.

Parties committed to be diligently employed, s. 6.

12 V. c. 80—1849.

Repeals so much of 7 W. 4, c. 24, as vests any powers in grand juries or magistrates in sessions, or limits the expenditure, and the whole of the 2nd section.

12 V. c. 81—1849.

Municipality of the county authorized to make by-laws for the erection of, and appointment of inspectors and other officers, &c., s. 41, *art.* 6.

**HUMBER RIVER,**

Bridge over to be so altered as to admit the passage of vessels, 1 V. c. 34.

**HUMBER HARBOUR AND ROAD COMPANY,**

Incorporated, 8 V. c. 95.

Charter amended, 10, 11 V. c. 86 ; and again, 18 V. c. 197.

**HUNTING,**

*See* Game and Hunting.

**HURON DISTRICT,**

Erected, &c., 1 V. c. 26.

Act amended, 2 V. c. 30.

Aprons to mill-dams in, 8 V. c. 66.

Recovery of taxes in, 9 V. c. 18.

Territory attached to, 9 V. c. 47.

Divided, 12 V. c. 96.

**HURON MINING COMPANY,**

Incorporated, 12 V. c. 164.

**HURON COPPER BAY COMPANY,**

Incorporated, 12 V. c. 165.

**HURON AND ST. MARY'S COPPER COMPANY,**

Incorporated, 10, 11 V. c. 71.

**HURONTARIO STREET, (SOUTH OF DUNDAS STREET,)**

Loan authorized to macadamize it, 7 W. 4, c. 77.

## I L L

**ILLEGITIMATE CHILD,**

2 W. 4, c. 1—1831.

Trial for the murder of, s. 2.

Concealment of birth, punishment for, s. 3.

7 W. 4, c. 8—1837.

Father of, liable for necessities, s. 4.

Action not sustainable unless affidavit made by the mother within a certain period, *ib.*

**ILLEGITIMATE CHILD,**

4, 5 V. c. 27—1841.

Concealment of birth, misdemeanor, and how punishable  
s. 14.**IMPERIAL FIRE, MARINE AND LIFE INSURANCE CO.,**

Incorporated, 18 V. c. 210.

**IMPRISONMENT,**

7 W. 4, c. 7—1837.

Imprisonment of convicts after sentence to be reckoned in  
term of transportation, s. 6. *See also* 4, 5 V. c. 24. s. 52 :  
and 6 V. c. 5. s. 4, *Substituting imprisonment in peni-*  
*tentiary for transportation.***IMPRISONMENT FOR DEBT,**

5 W. 4, c. 3—1835.

To mitigate the law of.

Arrest not allowed under £10 cause of action, s. 1. *See also*  
8 V. c. 48, s. 44, *as to the affidavit to be made of defendant's*  
*intention to leave the province, &c.,**Ca. sa.* not to issue for costs only, nor for any judgment  
under £10 exclusive of costs, s. 2.Debtors in execution when and how entitled to discharge  
from prison or gaol limits, s. 3. 4.Court to examine the matter, and may order discharge,  
s. 5.

Affidavit of inability to pay to be made by debtor, s. 6.

Debtor obtaining discharge by fraud liable to be again taken  
in execution, s. 7.Fraudulent assignment of property to be misdemeanor both  
in assignor and assignee, s. 8.

Act made perpetual by 3 V. c. 6.

*See also* Insolvent Debtors.**IMPRISONMENT AND DETENTION IN GAOL,**

12 V. c. 10—1849.

Meaning of the words, as defined by the general Interpreta-  
tion Act, s. 5.**INCORPORATION OF COMPANIES, &c.,**General provisions for the Incorporation of companies and  
associations for divers purposes.*See Supplement, and also the several objects for which the*  
*companies may be so incorporated.***INDECENCY,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for preventing  
or regulating bathing in any public water, and for pre-  
venting any indecent exposure. s. 60. *art.* 10.**INDEMNITY,**

1 V. c. 12—1838.

To protect justices, militiamen, and others, for acts done in  
suppressing the rebellion.

## INDIANS,

3 V. c. 13—1840.

- Sale of spirituous liquors to, prohibited, s. 1.
- Penalty on offenders, not exceeding £20, s. 2.
- Recoverable before one justice, *ib.*
- Not to extend to liquors furnished in sickness or under medical order, *ib.*

13, 14 V. c. 74—1850.

- Confession of judgment not to be taken from, unless such Indian be seized in his own right, s. 3.
- Exempt from taxes and assessments, s. 4.
- Liable to statute labor on Indian lands, s. 5.
- Penalty for selling spirituous liquors to, s. 6.
- Pawns taken for liquor may be recovered back, s. 7.
- Indian presents not liable to distress or sale, s. 8.
- Commissioners and superintendents to be justices of the peace within their respective localities, s. 9.

## INDIAN LANDS,

2 V. c. 15—1839.

- To protect from trespass and injury.
- Commissioners to be appointed to inquire into complaints, s. 1.
- “ how to proceed on illegal possession, s. 2.
- Penalty on party resuming possession, s. 3.
- Penalty for unlawfully cutting and removing trees on, s. 4.
- Timber cut, but not removed, may be seized and sold, s. 5.
- Witnesses to be summoned, s. 6.
- Appropriation of fines, s. 7.
- Parties charged to be summoned before investigation, s. 8.
- Warrants issued, to be executed by sheriff, &c., s. 9.
- Indemnity of Commissioners' s. 10.
- Appeal to chancery from judgment of, s. 11.

13, 14 V. c. 74—1850.

- Purchases of, not valid without consent of the crown, s. 1.
- Purchase to be a misdemeanor, s. 2.
- Penalty for, £200 besides fine and imprisonment, *ib.*
- None but Indians or those intermarried with to reside on Indian lands, s. 10.
- Provision for the removal of persons so residing, *ib.*
- Proceedings against persons removed, returning, s. 11.
- Punishment for cutting timber on or doing damage to Indian lands, s. 12.
- Provisions, where offenders' names unknown, *ib.*
- Sheriffs, &c., to aid commissioners, s. 14.

## INDICTMENT,

1 W. 4, c. 1—1831.

- Variance amendable on trial in certain matters, s. 1. *See also*, 18 V. c. 92.

6 W. 4, c. 44—1836.

- Copy to be delivered to prisoners, on payment for, s. 2.

4, 5 V. c. 24—1841.

- Partnership property how laid in, s. 42.
- In cases of churches, bridges, &c., s. 43.

**INDICTMENT,**

In cases of turnpike trusts, s. 44.

Not to abate by dilatory plea of misnomer, &c., s. 45.

Certain defects not to stay judgment, s. 46.

4, 5 V. c. 25—1841.

Distinct Acts of embezzlement may be charged in, s. 40.

12 V. c. 21—1849.

For stealing, may contain a count for receiving, and prosecutor not required to elect. s. 1.

May be amended as to written matter, by order of court, s. 2.

18 V. c. 92—1855.

May be amended at trial in matter immaterial to the merits, and effect of such amendment, s. 1, 2, 3.

Need not be on parchment except in cases of high treason, s. 5.

Averment in indictment for murder, s. 6.

“ “ for manslaughter, *ib.*

What a sufficient description of instrument in indictment for forging, stealing, &c., any instrument, s. 7.

What a sufficient description of instrument in indictment for engraving, or having illegally possession of any plate or paper, s. 8.

What a sufficient description of instrument in indictment in other cases, relating to instruments in writing, &c., s. 9.

General allegation of intent to defraud, sufficient without alleging any particular person, s. 10.

False pretences, averment of, what sufficient, s. 12.

What averment sufficient in cases of perjury, s. 21.

What averment sufficient in cases of subornation of perjury, *ib.*

Venue, how to be stated in indictments, s. 24.

Forms of, in various cases, s. 47.

**INDIGENT DEBTORS,**

11 G. 4, c. 4—1830.

Necessary wearing apparel of, and family bed and bedding, exempt from execution. *See also* 11, G. 4. c. 3. s. 9—and Insolvent Debtors.

**INDUSTRY, HOUSE OF,**

*See* House of Industry.

**INDUSTRIAL FARMS,**

12 V. c. 81—1849.

Municipalities of towns and cities authorized to purchase and hold lands for, s. 139.

Certain offenders may be committed to, and kept to hard labor at, s. 140.

**INFANTICIDE,**

*See* Bastard, Illegitimate Child.

**INFANTS,**

12 V. c. 72—1849.

Real estate of, may be sold by order of the court of chancery, but not against the provisions of any will, s. 1.

**INFANTS,**

- Conveyance to be valid, s. 2.
- By whom to be made, s. 3.
- Application of the money, s. 4.
- Money to represent the estate, s. 5.
- Where dower chargeable, court may direct the payment of compensation out of proceeds, s. 6.
- Court to make rules, s. 7.

18 V. c. 126—1855.

- Superior courts of law and equity authorized to make orders for access to, by the mother, s. 1.
- For delivery to the mother of any infant under twelve years of age, *ib.*
- For maintenance of such infant by the father, *ib.*
- Power given to enforce attendance of witnesses before the court upon the matter of any petition, s. 2.
- Court may receive affidavits, *ib.*
- Orders to be enforced by process of contempt, s. 3.
- The mother not entitled to custody or access in case of her adultery, s. 4.

**INFORMATIONS,**

2 W. 4, c. 4—1832.

- Taken before one justice may be determined before two or more, s. 2.
- See also* Justices of the Peace.

**INHERITANCE,**

4 W. 4, c. 1—1834.

- Descent to be traced from purchaser, s. 1.
- Last owner to be considered purchaser unless contrary proved, *ib.*
- Heir entitled under will to take as devisee, s. 2.
- Limitation to grantor, or his heirs, to create an estate by purchase, s. 3.
- How land to descend where heir takes by purchase under limitation to heirs of ancestor, *ib.*
- Brothers and sisters to trace descent through parent, s. 4.
- Lineal ancestor may be heir in preference to collaterals claiming through him, s. 5.
- Male heir to be preferred, s. 6.
- Mother of more remote male ancestor to be preferred to mother of less remote male ancestor, s. 7.
- Provision as to case of half blood, s. 8.
- Descendants may inherit after death of person attainted, s. 9.
- Entry by heir not necessary to complete title by descent, s. 10.
- Act not to extend to descents before July, 1834, s. 11.
- Provision for limitations before July 1834, s. 12.
- See also* Primogeniture.

**INLAND NAVIGATION,**

*See* Navigation Inland.

## INNKEEPERS,

Imp. Act, 14 G. 3, c. 88.

Duty imposed on licenses for keeping houses of public entertainment or retailing wines or spirituous liquors, s. 5.  
Penalty for acting without a license, *ib.* See 13, 14 V. c. 65, s. 4, *as to recovery of penalty.*

12 V. c. 81.

Municipal authorities empowered to regulate and to license in certain cases, s. 31, *art.* 14.

Prosecution of, in Cities or Towns, for keeping disorderly houses, &c., s. 118 *as amended by* 13, 14 V. c. 64.

13, 14 V. c. 27—1850.

Innkeeper guilty of misdemeanor where death ensues from intoxication by liquor furnished by him.

13, 14 V. c. 65—1850.

Powers vested in justices of the peace repealed, s. 1.  
Municipalities authorized to make by-laws respecting, s. 4.  
And to fix the sum payable for a licence, over and above that imposed by Imp. Act, *ib.* See also 16 V. c. 184.  
How the penalty under the Imp. Act shall be recoverable, *ib.*

Three inspectors to be appointed at annual meeting in each township or incorporated village not divided into wards, s. 5.

Where divided, one inspector for every ward, *ib.*

Duties of such inspectors, s. 6.

Inspectors to meet before the 1st March to give certificates, *ib.*

License to be in force until the last day of February, *ib.*

Inspector's duties to extend to inns, ale and beer houses, eating houses, &c., s. 7.

Majority of inspectors empowered to act with power to adjourn, s. 8.

In case of equality of votes, the mayor or town reeve, &c., to decide, until otherwise provided, *ib.*

Municipal officers may be appointed to issue licenses, s. 9.

14, 15 V. c. 120—1851.

To explain and amend, 13, 14 V. c. 65.

Municipalities declared to have under that Act power to make by-laws for preventing the keeping of inns, &c., by persons not duly licensed, and to impose penalties for contravention, s. 2.

Such penalties recoverable under the 7 sec. of the 6 W. 4, c. 4, and how applied, *ib.*

Provision in case of removal, or furnishing refreshments elsewhere, s. 3.

16 V. c. 184—1853.

All Provincial Acts imposing duties on persons keeping houses of public entertainment, or requiring them to take any licence, repealed, except as to penalties already incurred, s. 1.

By-laws, prohibiting the sale of wine or spirituous liquors, or requiring more than £10 for a licence so to do, in

## INNKEEPERS,

any house of public entertainment, not to be in force, unless approved by a majority of the municipal electors, s. 4.

License duties to be paid to and license issued by such municipal officer as the council shall direct, s. 5.

*But see more especially Liquors, Spirituous, &c., under which title the provisions on the subject are more fully referred to.*

## INOCULATION,

*See Small Pox.*

## INQUEST,

*See Coroner.*

## INSANE,

*See Lunacy—Lunatics—Lunatic Asylum.*

## INSANE, DESTITUTE,

11 G. 4. c. 20—1830.

Power given to the general quarter sessions to provide for, in the Home district, ss. 2, 3.

Witnesses may be summoned before Grand Jury, &c., s. 4.

Extended to all the districts by the 3 W. 4, c. 45, 1833.

Both Acts are now continued by 18 V. c. 85, 1855, to the 1st January, 1856, and to the end of the then next session.

## INSOLVENT DEBTORS,

45 G. 3, c. 7—1805.

Allowed 5s. a week in certain cases, when in execution.

2 G. 4, c. 8—1822.

Claiming weekly allowance may have interrogatories tendered touching insolvency, s. 1.

Allowance suspended until interrogatories fully answered, s. 2.

8 G. 4, c. 8—1827.

Allowance to be paid to, on third Monday after order, s. 1.

Court or judge may order discharge for non-payment, *ib.*

Discharge of, not to operate as a release of the debt, *ib.*

5 W. 4, c. 3—1835.

In execution for less than £20, when may be discharged, s. 3.

In execution for sums between £20 and £100, when may be discharged, s. 4.

Court to examine into the matter and grant discharge in its discretion, s. 6.

Affidavit to be made in such cases, s. 6.

Obtaining discharge by fraud, may be again taken in execution, s. 7.

Fraudulent assignment to be misdemeanor, both in assignor and assignee, s. 8.

4 W. 4, c. 3—1834.

In custody on mesne process, entitled to weekly allowance as if in execution, s. 1.



## INSOLVENT DEBTORS,

In default of payment, may be discharged on filing common bail, *ib.*

Plaintiff may tender interrogatories to, and if debtor discharged, may proceed to judgment and execution as in other cases, s. 2.

Allowance paid to, to form part of plaintiff's costs, s. 3.

No allowance payable during delay occasioned by defendant, or without affidavit that plaintiff's demand is resisted *bonâ fide*, s. 4.

In custody for sums not exceeding £10, how and when may be discharged, s. 5.

8 V. c. 48—1845.

Act for relief of.

Persons not entitled to the benefit of the Bankrupt Act may apply for protection against process, s. 1.

To be granted on certain conditions, *ib.*

Property of debtor to be invested in official assignee, *ib.*

Form of petition for protection, s. 2.

Proviso: may be held to bail by judge's order, s. 3.

Proceedings on petition, s. 4.

Order for protection, *ib.*

Proviso: for adjournment, *ib.*

" allowance for support of debtor, *ib.*

Final order to operate as a discharge of debts, s. 5.

Order for protection, renewal of, s. 6.

Debtor may be imprisoned for false statement, &c., s. 7.

Property and credits of, to vest in assignees, s. 8.

Including property acquired thereafter, s. 9.

Upon petition filed, judge may compel attendance of petitioner, s. 10.

Prisoners in execution for debt may petition, s. 11.

Such prisoner may be brought up by judge's warrant, s. 12.

Proviso: in case of petitioner's decease, s. 13.

Wearing apparel, &c., to the value of £20, exempted from the act, s. 14.

Official assignee to act until assignees are chosen by the creditors, s. 15.

Powers of petitioner as regards property vested in, s. 16.

Provision, as to acceptance of lease by assignees, s. 17.

Assignees empowered to sue, &c., s. 18.

Creditors to vote according to amount due, s. 19.

Government stock, &c. of petitioner to be assigned, s. 20.

Death or removal of assignee not to affect suits, s. 21.

Provision, as to property in possession at the time of filing petition, s. 22.

Distress for rent restricted to one year, s. 23.

Final order may be pleaded in bar of suits, s. 24.

What shall be evidence of assignees' appointment, s. 25.

Creditors or assignees may, in certain cases, apply for removal of protection, s. 26.

Power to rescind, *ib.*

Notice to be given, *ib.*

Proviso: as to costs, *ib.*

Assignments made in contemplation of, or after filing petition, void, s. 27.

**INSOLVENT DEBTORS,**

After filing petition, judgment creditors not entitled to execution, but to rank as creditors, s. 28.

Final order, protection under, from arrest, s. 29.

Judge may discharge petitioner in execution, s. 30.

Provision, in case of debts fraudulently contracted, s. 31.

Annuities to be considered as debts, and value of ascertained, s. 32.

Consideration of final order may be adjourned *sine die*, s. 33.

If no day named, judge may make order for protection, s. 34.

Petitioner arrested, discharge of, by judge's order, s. 35.

Schedule may be amended in certain cases, s. 36.

Dividends, proceedings on, s. 37.

Assignees may sell remaining credits or property at the end of twelve months, s. 38.

District judge may make rules and orders under this act, s. 39.

May fine and imprison for non-observance, s. 40.

Costs to be regulated by tariff made by Queen's bench, s. 41.

Remuneration of official assignee, s. 42.

Petition receivable in evidence, s. 43.

No person to be arrested for debt under £10, nor without affidavit of intention to leave the Province fraudulently, &c., s. 44.

10, 11 V. c. 15—1847.

Gaol limits extended to the whole of the district, s. 1.

Prisoners in gaol for non-payment of costs, award, or any sum certain, &c., entitled to gaol limits, s. 2.

In execution for debt, and not worth more than £5, entitled to discharge on certain conditions, s. 3.

Discharge to be granted on prisoner complying with the Act and assigning property, s. 4.

How he may obtain gaol limits, s. 5.

Court of Queen's Bench to make rules for writ for enforcing payment of money mentioned in the 2 section when prisoner discharged, s. 6.

Bail for limits to produce defendant, upon order of court, s. 7.

14, 15 V. c. 116—1851.

Act 8 V. c. 48, extended to certain uncertificated bankrupts, s. 1.

Effect of final order in such cases, s. 2.

**INSPECTION,**

*See* Ashes—Beef and Pork—Fish—Flour and Meal—Lumber—Weights and Measures.

**INSPECTORS OF DISTRICTS,**

*See* Distillers.

**INSPECTORS OF INNS,** *See* Innkeepers—Liquors Spirituous, &c.,

**INSURANCE MUTUAL,**

*See* Mutual Insurance.

**INSURANCE COMPANIES, (PRIVATE ACTS,)**

*See the several Companies by their corporate names—and Supplement.*

**INTEMPERANCE,**

*See Liquors Spirituous, &c.*

**INTEREST,**

2 G. 4, c. 1—1822.

Allowed on judgment recovered, from date of judgment, s. 19.

2 G. 4, c. 13—1821.

Not allowed on written instruments payable in New York currency, s. 1.

4 W. 4, c. 1—1834.

Charged on land, not recoverable for more than six years, s. 45.

7 W. 4, c. 3—1837.

Jury may allow interest on debts certain, when, s. 20.

Jury may allow interest in *trover*, or trespass *de bonis asportatis*, and on policies of insurance, s. 21.

Allowed in appeal, when execution is delayed by appeal, s. 22.

12 V. c. 76—1849.

Allowed on protested Foreign bills from date of protest, s. 1.

Inland Bills, &c. to bear interest from date of protest, s. 4.

*See also Usury, as to the lawful rate of interest in any case.*

**INTERNATIONAL MINING AND MANUFACTURING COMPANY,**

Incorporated 18 V. c. 48.

**INTERPLEADER,**

7 V. c. 30—1843.

In suit against party not interested, the court, or judge, on application, may order the right party to defend, or with consent of parties dispose of claim in a summary way, s. 1. Judgment to be final, s. 2.

In default of appearance by third party, court may order that he shall be barred—and make such order between plaintiff and defendant as may be just, s. 3.

Order by single judge may be set aside by the Court, s. 4.

Judge may refer matter to the court in first instance, s. 5.

Provision for deciding claims of third parties to goods taken in execution by sheriff, s. 6.

Rules, &c. under this Act to be entered on the record—and have the effect of judgments, except as to charging lands, s. 7.

In case of non-payment of costs, fifteen days after notice and taxation, execution may issue, *ib.*

9 V. c. 56—1846.

Any single judge authorized to make the order, s. 4.

**INTERPRETATION ACT,**

12 V. c. 10—1849.

Act for interpretation of certain terms used in Acts of Parliament, and for avoiding repetition and ascertaining date, &c.

**INTERPRETATION ACT,**

- Act to apply to Acts of this, and future sessions, s. 1.
- Date of Royal assent to be endorsed and form part of the Act, s. 2.
- Any Act may be amended the same session, s. 3.
- Governor and his successors to be a corporation sole, s. 4.
- How certain expressions in future Acts shall be construed, s. 5. *See also, the Expressions interpreted.*

**INTOXICATING LIQUORS,**

*See* Liquors, Spirituous, &c.

**INVENTIONS, EXCLUSIVE PRIVILEGES FOR,**

12 V. c. 24—1849.

- Act to consolidate and amend the laws concerning.
- Who may obtain patent, and mode of proceeding, s. 1. *But see also, 14, 15 V. c. 79, s. 13.*
- Effect of the patent, *ib.*
- In actions for damages, the court may grant treble costs, s. 2.
- Proviso as to matter of defence, *ib.*
- Proviso: patent not to be void in certain cases, although discovery known in a foreign country, *ib.*
- Plaintiff failing in action, court may award costs at discretion, *ib.*
- Right of obtaining patent, to devolve on legal representative, in case of inventor's decease before patent granted, s. 3.
- Arbitration in case of interfering applications, s. 4.
- Proviso, as to patent obtained in a foreign country, *ib.*
- Patent assignable in whole, or undivided parts, s. 5.
- “ may be issued to assignee of Inventor, s. 6.
- Duplicate drawings to be furnished, *ib.*
- A new patent may be obtained in certain cases, upon the surrender of defective patent, s. 7.
- Provision, where specification made too broad, s. 8.
- Disclaimer not to affect pending actions, *ib.*
- Claims for additions to existing patents, s. 9.
- Provision respecting patents returned for correction, s. 10.
- Additional and correct models to be furnished, *ib.*
- As to extension of patent beyond the time limited, s. 11.
- Purchasers of articles afterwards patented entitled to use or vend the same, s. 12.
- As to patents for works of art, s. 13.
- Not to be for more than seven years, *ib.*
- Declaration to be made by applicants, instead of oath, s. 14.
- Penalty for counterfeiting name of patentee, s. 15.
- Patentee to stamp the date of patent on articles, s. 16.
- Penalty for contravention, *ib.*
- Provision for the repeal of letters patent fraudulently obtained, s. 17.
- Patents to extend throughout Canada, s. 18.
- Act not to extend to inventions in United States or British American Colonies, &c. or prevent their free importation, *ib.*
- Repeal and interpretation clauses, ss. 19, 20.

## INVENTIONS, EXCLUSIVE PRIVILEGES FOR,

14, 15 V. c. 79—1851.

To enable parties holding patents confined to one section to obtain extension to the other section of the province, &c. Proceedings in such case, s. 1.

Certain Acts of Upper Canada and Lower Canada repealed, s. 2.

What letters patent shall hereafter contain, s. 3.

As to inventions being improvements on patented inventions, s. 4.

Inventor to make declaration, and file specification, &c., s. 5.

Model may be required, *ib.*

Patents assignable at law, s. 6.

Remedy for the infringement of any patent, s. 7.

Patent to be declared void upon trial in case of fraud, &c., s. 8.

Interfering applications, how dealt with, s. 9.

Fees to be paid on obtaining patent, s. 10.

Privileges extended to foreign inventions introduced by British residents, except from certain countries *ib.*

Declaration to be made in such cases, s. 12.

Act cited in the preamble (12 V. c. 24.) to apply to patents under this Act, s. 13.

This Act to apply to matters subsequent to issue of patents, as regards those issued under repealed Acts, *ib.*

Words "or the principle thereof," in sec. 4 of 12 V. c. 24, repealed, *ib.*

16 V. c. 11—1852.

Minister of bureau of agriculture to receive applications for patents, and keep records thereof, s. 4.

## ISSUE JOINED,

7 W. 4, c. 3—1837.

After issue joined, parties may agree upon special case, s. 17.

## J E O

## JEOfAILS,

2 G. 4, c. 1—1822.

Statutes of, declared to be in force, s. 24.

## JESUITS' ESTATES,

9 V. c. 59—1846.

Appropriated for education in Lower Canada only.

## JOHNSON, W.,

Enabled to convey a lot of land for a school at Georgina, 7 W. 4, c. 36.

## JOHNSTOWN DISTRICT,

For building a court-house and gaol in, at Elizabethtown, 48 G. 3, c. 15.

For building a court-house and gaol in, at Brockville, 1 V. c. 38.

## JOHNSTOWN DISTRICT,

Debt of, for court-house and gaol, to be paid by District Council, 7 V. c. 41.

Collection of arrears of taxes, 8 V. c. 64.

For macadamizing certain roads from Brockville to places in, 7 W. 4, c. 80.

Act amended, 1 V. c. 35.

## JOINT CONTRACTORS,

59 G. 3, c. 25—1819.

Action against one or several, not to abate unless the others are shewn to be within the jurisdiction of the court, s. 1.

Joint contract may be given in evidence as a sole contract, s. 2.

No execution to issue until such joint contract be filed, s. 3.

7 W. 4, c. 3—1827.

Plea in abatement for non-joinder of, must state party's residence and be verified by affidavit, s. 6.

1. V. c. 7—1838.

Representatives of deceased contractor, liable upon judgment recovered, though other joint contractors are living, s. 1.

They are to be proceeded against by *scire facias*, s. 2.

Limitation of liability of stockholders in banks, &c., *ib.*

## JOINT STOCK COMPANIES,

See The several Companies by their Corporate names—The objects for which they are formed in cases where they are incorporated under General Acts—and *Supplement*.

## JOINT TENANCY,

4 W. 4, c. 1—1834.

Not created by conveyance or devise to two or more persons (after 1st July, 1834,) unless so expressed, s. 48.

Exception as to trustees and executors, *ib.*

## JOINT TENANT,

4 W. 4, c. 1—1834.

Possession of one, not possession of the other, s. 24.

## JUDGES,

## OF QUEEN'S BENCH.

Rendered independent of the crown, 4 W. 4, c. 2.

Travelling expenses, allowance for, on circuit, 7 W. 4, c. 1, s. 10.

Limited to chief justice and two puisne judges, 12 V. c. 63, s. 3.

Salaries provided for, 18 V. c. 89.

## OF COMMON PLEAS.

12 V. c. 63—1849.

Limited to chief justice and two puisne judges, s. 2.

Term of office, s. 4.

Salaries of, s. 5. See also 18 V. c. 89.

Annuity on resignation, s. 6.

## JUDGES,

## IN EQUITY.

To provide salary for one, 7 W. 4, c. 109.  
*But see also* 18 V. c. 89, *and* Civil List.

## OF COUNTY COURTS.

*See* County Courts.

*And see, as to powers, &c.,* Chancery—Common Law, Superior Courts of—County Courts—Division Courts—the matters with respect to which the powers are to be exercised—*and Supplement.*

## JUDGMENT,

49 G. 3, c. 4—1809.

In actions on, costs not allowed without rule or order, s. 2.

7 W. 4, c. 3—1837.

In certain cases, when reversed for error, or arrested, &c., new action may be brought within a year, s. 5.

8 V. c. 13—1845.

As in case of non-suit, may be given in district court, s. 31.

9 V. c. 34—1846.

Certificate of, binding lands, may be registered, s. 13.

Effect thereof, same as of judgments docquetted in England, *ib.* *See* 13, 14 V. c. 63.

Proviso, in case execution under a registered judgment is not issued within one year, *ib.*

12 V. c. 68—1849.

On cognovit in outer districts confirmed in certain cases, s. 2.

12 V. c. 71—1849.

Certain estates bound by, s. 13. (Section 5, *referred to in* s. 13, *is repealed by* 14, 15 V. c. 7, *by* s. 9 *of which the said* s. 13 *is extended to estates, &c., which may be disposed of by deed under* s. 5 *of* 14, 15 V. c. 7.)

12 V. c. 73—1849.

Equity of redemption, saleable under.

13, 14 V. c. 63—1850.

Judgments hereafter registered under 9 V. c. 34, to bind lands in like manner as judgments docquetted in England bound them before the practice of docquetting was discontinued, s. 1.

Judgment previously registered may be marked as registered under this Act, *ib.*

Judgments entered after 1st January, 1851, and registered, to bind estate at law or in equity, according to priority of registration, s. 2.

Remedies of judgment creditors, *ib.*

## JURIES—JURORS,

32 Geo. 3, c. 2—1792.

All issues of fact to be determined by the verdict of twelve jurors, s. 1.

## JURIES,

13, 14 V. c. 55—1850.

(Upper Canada Jurors' Act of 1850.)

## QUALIFICATION, EXEMPTION, AND DISQUALIFICATION OF JURORS.

Who shall be qualified to be jurors, &c., ss. 1, 2, 3. (Section 4 *is repealed by* 16 V. c. 120.)

Exemptions, ss. 5, 6, (*as amended by* 14, 15 V. c. 65.)

Jurors having served the previous year, s. 7.

Service as a city juror, not to exempt on county juries, and *vice versâ*, s. 8.

Aliens disqualified, subject to exceptions, s. 9.

Attainted persons disqualified, s. 10.

## SELECTION AND DISTRIBUTION OF JURORS, &amp;c.

Selectors of jurors, who shall be, s. 11, (*as amended by* 14, 15 V. c. 65.)

Selection when to be made, and proceedings on, ss. 12, 13, 14. (Section 14 *is amended by* 14, 15 V. c. 65, and section 12 *repealed by* 16 V. c. 120, and other provisions substituted *as to meeting of selectors*.)

Selectors to make duplicate reports, s. 15, (*as amended by* 14, 15 V. c. 65.)

## JUROR'S BOOKS.

Clerks of the peace to prepare, s. 16, (*as amended by* 14, 15 V. c. 65.)

Juror's names, how arranged in the rolls, s. 17.

## BALLOTING JURY LISTS.

Clerks of the peace to prepare ballots, and how, s. 18.

Juror's books to be brought into quarter sessions, and when, s. 19, (*as amended by* 14, 15 V. c. 65.)

Court to determine the number of jurors to be drawn, *ib.*

A full list, what to contain, *ib.*

A two-third list, what, *ib.*

Ballotting to be in open court, and how, s. 20, (*as amended by* 14, 15 V. c. 65.)

Parties claiming exemption may be heard upon oath, *ib.*

Mode of ballotting for grand jurors for the superior courts, s. 21.

“ “ for grand jurors for inferior courts, s. 21.

“ “ for petit jurors for both courts, *ib.*

Lists so made to be certified and filed, s. 22.

Sect. 23 (directing clerks of the peace to deposit copies in the offices of the proper courts) *is repealed by* 16 V. c. 120, and s. 4 of that Act *is substituted for it*.

## DRAFTING PANELS.

Panels of jurors to be drafted from jury lists by the sheriff, s. 24.

Notice of drafting panels to be given by public advertisement, s. 25.

Heading to panels and jury lists to be prepared by the sheriff, s. 26.

Sect. 27 (mode of drafting and balloting) *is repealed by* 16 V. c. 120, and other provisions *substituted in* s. 5 of that Act.



## JURIES,

Not less than 48 nor more than 72 jurors to be returned on general precept at the assizes, unless, &c., s. 28.

## JURY PROCESS.

Precepts to be issued, by and to whom, ss. 29, 30.

Writs of *venire facias*, their form, s. 31.

Date of teste, and return of jury process, s. 32.

What must be inserted in writs of *habeas corpora*, s. 33.

Actual writ of *venire facias* may be dispensed with, s. 34.

Proviso as to jurors *de medietate*, *ib.*

Proviso as to *tales*, *ib.*

Where a view is granted, *ib.*

As to cases, where plaintiff does not proceed to trial, s. 35.

New *venire*, *ib.*

When defendant, &c., may bring on trial by proviso, *ib.*

## DRAWING JURY AT TRIALS.

Sect. 36 (jurors to be drawn by ballot, and how) is repealed by 16 V. c. 120, and other provisions substituted by s. 6 of that Act.

In case of non-appearance or challenge, *ib.*

Jurors to be sworn, &c., *ib.*

Jurors who have not brought in their verdict not to be included in any ballot, s. 37.

Same jury may try several causes, by consent, s. 38.

## SPECIAL JURIES.

Either party may demand a special jury, except in treason or felony, s. 39.

Proceedings for obtaining, ss. 40, 41.

Special jurors to be taken from the grand jurors' rolls, s. 42.

Mode of balloting for, and striking the list, ss. 43, 44.

Superior courts may order certain cases to be tried by merchants, or other proper persons, ss. 45, 46.

Mode of striking such juries by *elisors*, s. 47.

Special jury may try any number of cases, by consent, s. 48.

As to fees and costs of trial in special jury cases, s. 49.

## VIEWS, JURIES DE MEDIETATE LINGUÆ AND INQUESTS.

Proceedings for view, appointment of viewers, &c., ss. 50, 51, 52.

Right of aliens to be tried by jury *de medietate*, saved, s. 53.

What persons only to be summoned as jurors on inquests, s. 54.

## CHALLENGES.

Causes of, declared, s. 55 to 57. See also 16 V. c. 120, s. 8.

Peremptory challenges limited, s. 58.

Crown to challenge for cause only, s. 59.

Peremptory challenge in civil cases, exception as to special jurors, s. 60.

## SUMMONING JURORS.

Time of summoning, ss. 61, 62.

## PENALTIES.

For non-attendance, on jurors, viewers, &c., ss. 63, 64, 65.

## JURIES,

## PENALTIES.

- On sheriffs, &c., for default of duty, s. 66.  
 Taking money as a bribe; bailiffs acting illegally, &c., s. 67.  
 Making any unauthorized alteration in any juror's book, or neglecting to return the same, s. 68.  
 Section 69 (penalties on clerk of the crown and pleas making alterations, or certifying falsely, &c.) *is repealed* by 16 V. c. 120, *and other provisions substituted by section 7 of that Act.*  
 On assessors not making and returning assessment-roll in proper time, s. 70.  
 On municipal officers not producing assessment-roll as required, s. 71.  
 On selectors of juries for wilful dereliction of duty, s. 72.  
 On clerks of the peace for the same, s. 73.  
 Penalties how levied and applied, s. 74.

## APPLICATION OF PROVISIONS.

- In cities, clerk of the recorder's court, to perform duties required of clerks of the peace in counties, s. 75, *as amended* by 14, 15 V. c. 65.  
 Other functionaries to perform certain duties, *ib.*  
 Aldermen may act as justices under this Act, s. 76.  
 Deputy sheriffs may act, s. 77.  
 Coroners, elisors, &c., to draft juries in like manner as sheriffs, s. 78, *as amended* by 14, 15 V. c. 65.  
 Provisions as to panel of grand and petit jurors for *oyer and terminer*, assize und *nisi prius* to apply to other courts, ss. 79 80.

## MISCELLANEOUS PROVISIONS.

- Section 81 (allowances for services under this Act,) *is repealed* by 16 V. c. 120, *and other provisions substituted by section 9 of that Act.*  
 The Governor in certain cases may authorize the holding of special sessions for ballotting jurors, s. 82.  
 Provision in case clerk of the peace, &c., be unable to take the oath required by the 19th sec., s. 83.  
 Superior courts at Toronto and courts of *oyer and terminer*, &c., may exercise the same powers as heretofore for certain purposes, s. 84.  
 Justices of assize may direct the panel of petit jurors to be divided into two sets for separate service, s. 85, *as amended* by 14, 15 V. c. 65.  
*Tales* may be ordered in default of jurors, s. 86.  
 Sheriff, &c., indemnified for summoning any man on the roll, s. 87.  
 " to note the names of jurors attending and serving at the several courts, and names of defaulters, s. 88.  
 Certificates to be given to jurors attending, s. 89.  
 High bailiff in cities, to perform this duty in recorder's court, and to give certificates, ss. 90, 91.  
 Attaints of jurors abolished, s. 92.  
 Embracery, punishable as heretofore, s. 93.  
 As to affirmation instead of oath, s. 94.

## JURIES,

## MISCELLANEOUS PROVISIONS.

Omissions under this Act not to vitiate verdict, s. 95.

Power of courts, practice, &c. not altered unless when expressly so by this Act, s. 96.

Repeal of Acts and parts of Acts in schedule, s. 97.

*The remaining sections are repealed by 14, 15 V. c. 65.*

14, 15 V. c. 65—1851.

When 12 grand jurors do not appear, deficiency to be supplied by talesmen, s. 1.

Sec. 3 of 10 G. 4, c. 1, and sects. 98, 99, 100 and 101 of 13, 14 V. c. 55, repealed, s. 2.

Remuneration for services increased, s. 3.

Certain parts of 13, 14 V. c. 55, as designated in schedule, repealed and amendments substituted, s. 4. *The sections amended are mentioned above in their places.*

Short titles of Jurors' Acts, s. 5.

14, 15 V. c. 85—1851.

Firemen in cities, may become exempt from serving as jurors after seven years' service. *See also* Firemen.

14, 15 V. c. 112—1851.

Act to extend the time for making selection of jurors, &c. for the year 1851.

16 V. c. 120—1858.

Sections 4, 12, 27, 36, 69 of the original Act of 1850, and the 23 and 81 sections of the same as amended by the 14, 15 V. c. 65, repealed, s. 1.

Provision as to property qualification, substituted for repealed section 4, s. 2.

“ as to meetings of selectors, for repealed section 12, s. 3.

“ as to deposit of jurors' book, for repealed section 23, s. 4.

“ as to mode of drafting panel of jurors, for repealed section 27, s. 5.

“ as to ballots for drafting petits jurors, for repealed section 36, s. 6.

“ as to inquests, for repealed section 69, s. 7.

Religious persuasion not to be a ground for challenge, s. 8.

Provision for allowance to selectors, substituted for repealed section 81, s. 9.

The word county to include “ unions of counties,” s. 10.

## PAYMENT OF PETIT JURORS.

14, 15 V. c. 14—1851.

Allowed 5s. a day for actual attendance in court and 6d. per mile for travelling expenses, or such other sum as shall be fixed by county by-law, s. 1.

Sheriffs to make out pay list, and deliver it to county treasurer, s. 2.

Treasurer to pay jurors accordingly forthwith, s. 3.

Allowance to sheriff for pay-list, s. 4.

List of jurors to be called over daily at opening of the court, s. 5.

Jurors absent to be fined, s. 6.

## JURIES,

## PAYMENT OF PETIT JURORS.

The sum of 15s. to be paid to clerk of assize on every record and 7s. 6d. to clerk of county court—amounts to be paid over to the treasurer towards juror's fund, s. 7.

In criminal cases party liable to costs to pay 15s. towards juror's fund, s. 8.

Certain fines, to form part of juror's fund, s. 9.

County Councils to provide funds for payment of jurors, s. 10.

May make by-law for payment of grand jurors, s. 11.

The foregoing clauses not to apply to any county, until the council thereof shall provide a jurors' fund, s. 12.

County treasurer to notify sheriff when fund provided, s. 13.

Court may order records to be entered on the first day of sitting, s. 14.

## 18 V. c. 130—1855.

County Councils authorized to recover from city municipalities a portion of expenses of jurors, s. 1.

Such portion shall be determined according to value of rateable property in each, *ib.*

Act to have effect from 1st January 1855, s. 2.

Value of rateable property for the purposes of this Act to be that mentioned in assessment-roll, s. 3.

Municipality authorized to levy by assessment amount required by this Act, s. 4.

The word "county" to include "unions."

## JURORS' FUND,

*See above* Payment of Petit Jurors.

## JURORS IN LOWER CANADA, PAYMENT OF,

## 18 V. c. 98—1855.

A sum equal to that paid by the Province under this Act, to be appropriated for municipal purposes in Upper Canada, s. 3.

## JUSTICES OF THE PEACE,

## QUALIFICATION AND APPOINTMENT.

## 6 V. c. 3—1842.

To be the most sufficient persons in the places for which they are appointed, s. 1.

No attorney, solicitor or proctor to be a justice of the peace while in practice, s. 2.

Every justice to be possessed of real property to his own use, to the value of £300 over and above incumbrances, and to qualify upon oath before some justice for the *district*, s. 3. *But see* 9 V. c. 41, &c., *below*.

Form of the oath, *ib.*

Certificate of oath taken to be deposited with clerk of the peace, *ib.*

Attested copy of such oath to be furnished by clerk of the peace to any person on payment of 1s.; such copy to be evidence on any trial under this Act, s. 4.

## JUSTICES OF THE PEACE,

## QUALIFICATION AND APPOINTMENT.

Penalty £25 for acting without taking the oath or without being qualified, s. 5.

Notice, &c., in action wherein defendant shall pretend to qualification not specified in the oath, s. 6.

Upon the trial of any issue, lands not mentioned in the oath or notice not to be insisted upon by defendant, s. 7.

Provision where lands mentioned in qualification oath are chargeable jointly with other lands, s. 8.

Where rent, constitutes qualification, s. 9.

Defendant entitled to treble costs if judgment against plaintiff, or in case of discontinuance, s. 10.

When action brought and upon notice given, any subsequent action for offence prior to notice, to be stayed, if first suit be prosecuted with effect, &c., s. 11.

Manner of proceeding in actions under this Act, s. 12.

False statements to be perjury, s. 13.

Limitation of actions to six calendar months, s. 14.

Act not to extend to members of the legislative council, executive council, judges, &c., attorney or solicitor general or Queen's counsel, s. 15.

Sheriffs and coroners disqualified as justices, s. 16.

Application of fines and penalties, s. 17.

9 V. c. 41—1846.

The Governor in council may appoint justices of the peace for remote parts, not being within any constituted district, s. 1.

Such justices need not be qualified as to property, nor reside within the limits of their jurisdiction, *ib.*

Subject to all other requirements of law, s. 2.

Commitments by, to be to the nearest common gaol, s. 3.

Appeals (when allowed) to be to the quarter sessions nearest to the place, s. 4. *See also as to Provisional districts, 16 V. c. 176, s. 6, and 9, and as to certain municipal functionaries being ex-officio Magistrates, see the Municipal Acts.*

## DUTIES WITH REGARD TO SUMMARY CONVICTIONS AND ORDERS.

2 W. 4, c. 4—1832.

General form of conviction, s. 1.

One justice may receive information where two are empowered to hear and determine, s. 2.

After conviction, judgment may be enforced by any justice of the district having the conviction before him, *ib.*

Convictions not to be set aside for want of form in certain cases, s. 3.

Plaintiff entitled to 1s. damages only (besides any penalty levied) in action on conviction quashed, &c. unless malice alleged and proved, &c., s. 4.

Neither damages or costs recoverable if plaintiff be proved guilty of offence, s. 5.

*But some of the provisions of this Act were repealed by 14, 15 V. c. 54; and though that Act was repealed by 16 V. c. 80, yet they seem now superseded by those of 16 V. c. 178, 179 and 180.*

JUSTICES OF THE PEACE,

DUTIES WITH REGARD TO SUMMARY CONVICTIONS AND ORDERS.

16 V. c. 178—1853.

The defendant to be summoned except in *ex parte* cases, s. 1.  
No objection to be taken for want of form, *ib.*

In case of any material variance, hearing may be adjourned, *ib.*

A warrant may be issued if summons not obeyed, s. 2.

Or warrant may be issued in the first instance in certain cases, if the justice shall see fit, *ib.*

Or justice may proceed *ex parte* in case the defendant neglect to appear on summons, *ib.*

Warrant to be under hand and seal, s. 3.

To whom to be directed, *ib.*

What shall be stated therein, *ib.*

When, where, and how to be executed, *ib.*

Backing warrants in other jurisdictions and the effect thereof, *ib.*

No objection to be allowed for want of form in any warrant, *ib.*

Proceedings when substance of warrant objected to, *ib.*

Provision in case of any property in question being owned by partners, joint tenants, &c., s. 4.

Aiders and abettors punishable as principals in offences punishable on summary conviction, s. 5.

Power to summon witnesses, s. 6.

Warrant against may be issued in case of non-attendance without just cause, *ib.*

In certain cases warrant to compel attendance of witnesses may be issued in first instance, *ib.*

Certain complaints must be in writing, s. 7.

Provision in case of variance between information and evidence, s. 8.

In such case, the hearing may be adjourned and defendant committed or bailed, at the discretion of such justice, *ib.*

Complaint or information to be upon oath except in certain cases, s. 9.

And always when a warrant is issued in the first instance, *ib.*

To include one matter only, *ib.*

Time limited for bringing, s. 10.

Before whom complaints shall be heard; the court to be an open court, s. 11.

Defendant may appear and defend by counsel or attorney, *ib.*

Complainant may also appear in like manner, *ib.*

Proceedings to be taken at the day appointed for hearing in case the defendant does not appear, s. 12.

Or in case of defendant's appearance and plaintiff's absence, *ib.*

If both parties appear, case to be heard and determined, *ib.*

Proceedings to be had at the hearing, s. 13.

Prosecutors and complainants may in certain cases be witnesses, s. 14.

Case may be adjourned, at the hearing, in the discretion of the justices, and defendant may be committed, or suffered to go at large, or bailed, s. 15.

## JUSTICES OF THE PEACE,

## DUTIES WITH REGARD TO SUMMARY CONVICTIONS AND ORDERS.

In case of non-appearance of either party at such adjournment, the cause may proceed, as if such absent party were present, *ib.*

Form of convictions and orders in the Schedule may be used when no other is directed by statute, s. 16.

Defendant to be served with a copy before commitment.

Justices authorized to award costs, s. 17.

Costs allowed to be specified in conviction, *ib.*

As to warrants of distress for levying penalties or compensation, &c., s. 18. *See also* 14, 15 V. c. 119, s. 4.

Warrant may be backed and executed in another territorial division, *ib.*

In certain cases defendant may be committed without a warrant of distress, *ib.*

In all cases, where a warrant of distress issued, the justice may suffer the defendant to go at large, or verbally, or by warrant, order him to be detained, until return of distress warrant or bail given, s. 19.

In default of distress, defendant may be committed, s. 20.

Where the defendant is in prison for another offence, the justice may order imprisonment for subsequent offence to commence at the expiration of former sentence, s. 21.

In case of dismissal of complaint, costs to be paid by prosecutor, s. 22. *See also* 14, 15 V. c. 119, s. 5.

Proceedings in appeal cases, s. 23.

Upon payment or tender to the constable of the sum mentioned in warrant of distress, and expenses, warrant not to be executed, s. 24.

Prisoner may obtain his discharge upon payment to the Gaoler of the amount, with expenses, *ib.*

One justice out of sessions may receive information, and issue the summons or warrant in cases to be heard before two justices, s. 25.

But two must join in the conviction, &c., *ib.*

After conviction one justice may issue warrant of distress or commitment, *ib.*

Such justice need not be one of the justices, convicting, *ib.*

As to appeals in cases under by-laws of any municipality, s. 26.

Forms in schedules to be valid, s. 27.

Any one inspector and superintendent of police, police magistrate, or stipendiary magistrate may do alone whatever authorized by this Act to be done by two or more justices, s. 28.

With power to preserve order in police courts, s. 29.

And enforce the execution of their process, s. 30.

All inconsistent Acts repealed, s. 31.

Interpretation of the words "county" and "territorial division," s. 32.

Act to apply to Upper Canada only, s. 33.

Meaning of the word "prison," s. 34.

Schedules of forms.

*See also* 14, 15 V. c. 119, s. 4, as to summary convictions under Acts 4, 5 V. c. 25, 26, 27; and 13, 14 V. c. 54, giving appeal in all cases where the offence is not a crime.

JUSTICES OF THE PEACE,

DUTIES WITH REGARD TO INDICTABLE OFFENCES.

3 W. 4, c. 2—1833.

Duty of Justices as to conviction or admission to bail, and in what cases two shall be required, s. 1.  
 To take examination of witnesses in writing in presence of the accused, s. 2.  
 To bind witnesses in recognizance to give evidence, *ib.*  
 Duties of on charges of misdemeanor, s. 3.  
 Penalty on, for neglect of duty, s. 5.  
 May bail prisoners under direction of Queen's bench, s. 6.  
*But see also*, 4, 5 V. c. 24, and 16 V. c. 179, ss. 9, 11, 12, 15, 16, 17, 21, &c.

16 V. c. 179—1853.

In what cases warrants are to be issued, s. 1.  
 In what cases a summons only, *ib.*  
 If the summons not obeyed, a warrant may then be issued, *ib.*  
 As to warrants issued upon indictments found, s. 2.  
 Search warrants and other warrants may be issued on Sunday as well as other days, s. 3.  
 Information on oath to be taken before warrant issued, s. 4.  
 As to information upon issuing a summons, *ib.*  
 In what cases and upon what proof search warrant may be issued, *ib.*  
 Summons or warrant when issuable, to whom directed, how served, &c., s. 5.  
 If the party summoned do not appear, a warrant may then be issued, *ib.*  
 No objection allowed for want of form, *ib.*  
 In certain cases of variance, case may be adjourned and party remanded, or bailed, &c., *ib.*  
 Warrants to be under hand and seal, s. 6.  
 To whom directed, &c., *ib.*  
 How, and when to be executed, *ib.*  
 No objection to be allowed for defect in form or substance, *ib.*  
 What to be done in case of variance, *ib.*  
 Provision for backing warrants, s. 7.  
 " where party apprehended in another territorial division, *ib.*  
 Witnesses may be summoned, s. 8.  
 Warrant issued if summons not obeyed, *ib.*  
 A warrant may be issued in the first instance in certain cases on evidence upon oath, *ib.*  
 Witnesses appearing and refusing to be examined, may be committed, *ib.*  
 The examination of witnesses to be on oath or affirmation in presence of the accused, s. 9.  
 When depositions of witnesses dying or unable to attend trial may be read in evidence, *ib.*  
 Depositions of witnesses to be read over to the party accused and any statement made by him to be taken down in writing, the accused being first cautioned, &c., *ib.*



## JUSTICES OF THE PEACE,

## DUTIES WITH REGARD TO INDICTABLE OFFENCES.

What statements made by the accused may be used against him, *ib.*

Place of examination not to be deemed an open court, and justices in their discretion may exclude access, s. 11.

Prosecutor and witnesses may be bound over, s. 12.

Recognizances, depositions, &c., to be delivered by justices to the proper officer of the court before trial, &c., *ib.*

Witnesses refusing to be bound may be committed, *ib.*

Witnesses committed may be discharged if accused be not committed or held to bail, *ib.*

Accused party may be remanded for not exceeding eight days by warrant, or by verbal order if not for more than three days, s. 13.

But may be brought up at any time, *ib.*

May be bailed instead of being remanded, *ib.*

Justices in any territorial division authorized to act and commit, or bail offender, for trial in that where the offence was committed, s. 14.

Proceedings if the evidence appear insufficient, *ib.*

Provision for payment of the expenses of conveying the party accused to the proper territorial division, *ib.*

Proceedings in cases of felony, s. 15.

Two justices necessary in case of bail being taken, *ib.*

One justice may bail for misdemeanor, *ib.*

County judges may in their discretion admit prisoners to bail committed for felony, *ib.*

Except for treason or murder, for which only courts of Q. B. or C. P., or a judge thereof in vacation, shall admit to bail, *ib.*

Warrant of deliverance to be issued for prisoner admitted to bail, s. 16.

If the evidence be deemed insufficient to put the accused upon trial, he shall be discharged, s. 17.

If sufficient, then committed or bailed, as the case may be, *ib.*

Provision for conveyance of prisoners to gaol, s. 18.

After examination closed, defendant entitled to copy of depositions on payment of charges, s. 19.

Forms in the schedule to be valid, s. 20.

Inspectors and superintendents of police—police or stipendiary magistrates,—empowered to do alone whatever is authorized by this Act to be done by two or more justices, s. 21.

All inconsistent enactments repealed, s. 22.

This Act to apply to Upper Canada only, *ib.*

Schedules of forms.

## PROTECTION OF.

16 V. c. 180—1853.

Form of action against, s. 1.

Malice and want of probable cause, allegation of and proof necessary, *ib.* See also 2 W. 4, c. 4, s. 4.

Not necessary where jurisdiction exceeded, s. 2.

JUSTICES OF THE PEACE,

PROTECTION OF.

- No action to be brought for any thing done under conviction or order until it be quashed, *ib.*
- Nor upon warrants, where summons previously served and disobeyed, *ib.*
- As to actions upon warrants, founded upon convictions of other justices, s. 3.
- Any justice refusing to act, may be compelled by rule of court, s. 4.
- No action to lie upon warrant, under a conviction confirmed upon appeal, s. 5.
- The judge may set aside proceedings in any action brought contrary to this Act, s. 6.
- Actions to be brought within six calendar months, s. 7.
- Notice of action to be given, s. 8.
- Venue how to be laid—pleadings in, &c., s. 9.
- Action, not to be brought in any county or division court if the justice object, *ib.*
- Otherwise county courts may hold pleas in actions against, up to £30, *ib.*
- Amends may be tendered and paid into court, s. 10.
- Verdict in such cases, *ib.*
- Plaintiff failing in certain proofs to be nonsuited or verdict given for defendant, s. 11.
- Nominal damages only recoverable in certain cases, s. 12.
- Provision as to costs, s. 13.
- Act to commence 1st. July, 1853, s. 14.
- Inconsistent Acts repealed, with so much of the 14, 15 V. c. 54, as regards Upper Canada, s. 15.
- Certain cases included within this Act, s. 16.
- Act to apply to Upper Canada only, s. 17.

RETURNS TO BE MADE BY JUSTICES.

4, 5 V. c. 12—1841.

- To be made to the next general quarter sessions of all convictions and fines, and application thereof, s. 1.
- Penalty £20 for neglect, or taking unauthorised fees, s. 2.
- Actions for penalties to be commenced within six months, s. 3.
- Clerk of the peace to publish returns, s. 4.
- And transmit copy to inspector general within twenty days after the sessions, s. 5.
- Act not to exonerate justices from returning records of convictions to the sessions, s. 6.
- Nor to prevent prosecution of any justice by indictment, s. 7.
- Sheriffs also to transmit quarterly returns to the inspector general under the like penalty, s. 8.

JUSTICES' FEES.

14, 15 V. c. 119—1851.

- Rate of, established, s. 2.
- Distress may issue to levy penalty, &c., in summary convictions, under Acts 4, 5 V. c. 25, 26, 27—s. 4.

**JUSTICES OF THE PEACE,****JUSTICES' FEES.**

And to levy costs in all cases where they are payable by parties failing to prosecute with effect, s. 5.

No fees to be taken or allowed to witnesses, except by order of court, in cases above misdemeanor, s. 6.

**JUSTICE, ADMINISTRATION OF,**

*See* Administration of Justice.

**K E E****KEELE, W. C.,**

Admission to practice, 6 W. 4, c. 25.

**KELLOG, O., AND OTHER ALIENS,**

Naturalized, 7 W. 4, c. 117.

**KENT,**

*See* Essex and Kent.

**KERRY, W.**

Pension to widow and children of, 3 V. c. 66.

**KETTLE CREEK HARBOUR,**

Loan and grant for completing, 1 W. 4, c. 25.

**KIDNAPPING,**

*See* Abduction—Child stealing.

**KING, TOWNSHIP,**

New survey authorized, 5 W. 4, c. 20.

**KING'S BENCH,**

*See* Common law, superior courts of,

**KING'S COLLEGE,**

*See* University of Toronto.

**KING'S DOCKYARDS, SHIPS, STORES, &c.,**

3 W. 4, c. 3—1833.

Provisions of the Imperial Act 12 G. 3, c. 24, relative to destruction of, declared in force in this province, s. 14.

**KINGSTON CITY,**

To negotiate a loan to consolidate its debt, 16 V. c. 32.

**KINGSTON GAOL AND COURT HOUSE,**

Magistrates empowered to raise a loan for completing, 2 G. 4, c. 21.

**KINGSTON TOWNSHIP,**

Part of annexed to township of Pittsburgh, 16 V. c. 222, 223.

**KINGSTON FIRE AND MARINE INSURANCE COMPANY,**

Incorporated, 13, 14 V. c. 139.

**KINGSTON GENERAL HOSPITAL,**

Erection of provided for, 2 W. 4, c. 28.

Further grant, 7 W. 4, c. 98.

May be occupied for the proposed university, 3 V. c. 36.

Trustees incorporated, 12 V. c. 103.

**KINGSTON MARINE RAILWAY COMPANY,**

Incorporated, 1 V. c. 30.

Charter amended, 7 V. c. 61.

**KINGSTON AND NAPANEE ROAD,**

For macadamizing, 7 W. 4, c. 81.

**KINGSTON MINERAL WELLS COMPANY,**

Incorporated, 7 V. c. 64.

**KINGSTON GAS-LIGHT COMPANY,**

See City of Kingston.

**KINGSTON WATER-WORKS COMPANY,**

See City of Kingston, &c.

## L A B

**LABOURERS,**

See Master and Servant.

**LAKE HURON SILVER AND COPPER MINING CO.**

Incorporated, 10, 11 V. c. 72.

**LAKES AND RIVERS,**

2 W. 4, c. 2—1831.

Jurisdiction over offences committed on.

Navigable waters to be considered part of the several districts (counties *now*) to which they are opposite, s. 1.

See also 14, 15 V. c. 5, s. 11.

Crimes committed upon may be tried in any (district) adjacent, s. 2.

**LANCASTER TOWNSHIP,**

Guiding line in, fixed, 10 G. 4, c. 13.

**LANDLORD,**

4 W. 4, c. 1—1834.

Remedy provided for against overholding tenant.

Application by, to court or judge, upon affidavit of facts, s. 53.

Writ of inquiry to issue to commissioner, *ib.*

Jury to be sworn, *ib.*

Evidenæ to be returned with commission, *ib.*

Precept to be issued for putting the landlord into possession, *ib.*

**LANDLORD,**

Proceedings may be revised and restitution ordered, s. 54.  
 Judges may make rules as to proceedings, costs &c., s. 55.  
 Witnesses how summoned, &c.;—Act not to take away  
 other remedy of landlord, ss. 57, 58.  
*See also* Distress for rent, &c.

**LANDS, EXECUTION AGAINST,**

Imperial Act 5 G. 2, c. 7.

May be seized and sold for the satisfaction of debts, in like  
 manner as personal estates, s. 6.

43 G. 3, c. 1—1803.

Execution against, not to include goods and chattels, nor to  
 be issued until return of process against goods and  
 chattels, s. 1.

Not to be exposed to sale until twelve months after writ  
 delivered to the sheriff, s. 2.

2 G. 4, c. 1—1822.

Sales of, in execution to be advertised in Upper Canada  
 Gazette, (*but see* 12 V. c. 26,) and in some newspaper in  
 district where lands lie, s. 20.

12 V. c. 26—1849.

Advertisements required by law, to be inserted in Canada  
 Gazette instead of the Upper Canada Gazette, s. 1.

*See also* Assessments—Real Property—Surveyors—Surveys,  
 &c.

**LANDS, PUBLIC—LAND SCRIP, &.,**

*See* Public Lands.

**LANGUAGE,**

Imperial Act 11, 12 V. c. 56.

Certain provisions of the Union Act prescribing the sole  
 use of the English language for certain purposes, repealed.

**LARCENY, AND OFFENCES CONNECTED THEREWITH,**

7 W. 4. c. 4—1837.

Distinction of grand and petit, abolished, s. 1. *See* 4, 5 V. c. 25.

Quarter Sessions may try cases of simple larceny; but not  
 when the value of the stolen property is laid as exceeding  
 £20, unless the chairman be a barrister, s. 2.

May impose sentence of transportation, banishment or  
 imprisonment in penitentiary or common gaol, ss. 3, 4.  
 (*But see* 6 V. c. 5, s. 4.)

May leave cases for the assizes, s. 5.

Jurisdiction not affected by proof of greater value, s. 6.

*But see* 4, 5 V. c. 25.

4, 5 V. c. 25—1841.

Act for consolidating and amending the law, s. 1.

Distinction between grand and petit larceny abolished, s. 2.

All larceny to be considered as grand larceny, *ib.*

Punishment for simple larceny, or felony punishable as such,  
 s. 3.

**LARCENY, &c.,**

- Hard labor, or solitary confinement, may be added to imprisonment, s. 4.**
- Stealing public or private securities for money, or warrants for goods, &c., felony, and how punishable, s. 5.**
- Robbery, with stabbing or wounding, felony, death, s. 6.**
- Robbery, with violence, felony, how punishable, s. 7.**
- Extorting property by threat of accusation of unnatural crimes, felony, and how punishable, s. 8.**
- Stealing from the person, how punishable, s. 9.**
- Assault, with intent to rob, felony, and how punishable, s. 10.**
- Attempt to obtain property by menaces, felony, and how punishable, s. 11.**
- Sending letters with menaces to extort money, &c., felony, and how punishable, s. 12.**
- Sacrilege, how punishable, s. 13.**
- Burglary, with personal violence, felony, death, s. 14.**
- Simple burglary, how punishable, s. 15.**
- What shall be deemed burglary, s. 16.**
- Stealing in a dwelling-house, and putting in bodily fear, felony, and how punishable, s. 17.**
- What buildings shall be deemed part of dwelling-house in cases of burglary, s. 18.**
- Breaking and entering any building and stealing therein, such building being within the curtilage, but not part of the dwelling-house, how punishable, s. 19.**
- Breaking and entering any shop or warehouse, and stealing therein, how punishable, s. 20.**
- Stealing from any vessel or boat in any port, or upon any canal or river, or in any creek, or from any dock, wharf or quay, how punishable, s. 21.**
- Plundering or stealing from any wreck, &c., how punishable, s. 22.**
- Persons in possession of shipwrecked goods unlawfully, penalty not exceeding £20, s. 23.**
- Such goods may be seized from any person offering for sale, and offender liable to a penalty not exceeding £20, s. 24.**
- Stealing, obliterating or destroying any writ or document belonging to any court of justice, or any bill, answer, &c., to be a misdemeanor, and how punishable, s. 25.**
- Stealing any will or codicil; misdemeanor, and how punishable, s. 26.**
- Stealing any title deed, misdemeanor, and how punishable, s. 27.**
- Remedy of party aggrieved not to be affected, s. 28.**
- Stealing horses, cattle, &c., felony, how punishable, s. 29.**
- Stealing dogs, beasts or birds, not being larceny at common law, punishable by summary conviction, and fine not exceeding £5, besides the value of the thing stolen, s. 30.**
- Stealing, destroying, &c. trees, shrubs, &c., of one shilling value, punishable by fine not exceeding £5 over and above the value of the article, s. 31.**
- Stealing, cutting, breaking or throwing down with intent to steal any fence, stile or gate, punishable by fine not exceeding £5 over and above, &c., s. 32.**

**LARCENY, &c.,**

Persons in possession of any wood, &c., not satisfactorily accounting for it, may be carried before a justice and fined, not exceeding £2, over and above, &c., s. 33.

Stealing or destroying with intent to steal any tree, plant, root, fruit, or vegetable production in any garden, orchard, nursery ground or hot-house, a penalty not exceeding £5, over and above, &c., s. 34.

Second offence to be felony, *ib.*

Stealing, &c., any vegetable production growing in open or enclosed land, not being a garden, &c., fine not exceeding 20s. over and above, &c., s. 35.

Stealing glass, woodwork, or fixtures to any building, and metal fixtures from private or public property, felony, and how punishable, s. 36.

Tenants and lodgers stealing any chattel or fixture, felony, and how punishable, s. 37.

Clerks and servants stealing the property of their masters, how punishable, s. 38.

Clerks or servants receiving money and embezzling same, felony, and how punishable, s. 39.

Distinct acts of embezzlement may be charged in the same indictment, s. 40. *See also* 18 V. c. 92, s. 16.

Agents' embezzling money, &c., intrusted to them with any direction in writing how to apply the same, misdemeanor, and how punishable, s. 41.

Agents' embezzling any goods or valuable security entrusted to them for safe keeping, misdemeanor, and how punishable, *ib.*

The foregoing provisions not to affect trustees, or mortgagees nor restrain any banker, or agent from receiving money on, or disposing of valuable securities upon which they have a claim, unless sale exceed such claim, s. 42.

Factors or agents pledging for their own use any goods or documents relating to goods entrusted to them for sale, misdemeanor, and how punishable—exception as to their claims on such goods, s. 43.

Remedies of parties aggrieved not taken away, s. 44.

Obtaining any chattel money or security under false pretence, misdemeanor, and how punishable, s. 45.

No acquittal because the offence proved is felony, *ib.* *See also* 18 V. c. 92, s. 15.

Receivers of stolen goods may be tried as accessories after the fact, or for the substantive felony, s. 46.

Where original offence is a misdemeanor, receivers to be guilty of misdemeanor, and how punishable, s. 47.

Receivers may be tried where stolen property is found or was received, s. 48.

Stolen property to be restored to the owner upon conviction of offender, s. 49.

Taking reward under pretence of helping recovery of stolen property (unless offender brought to trial), felony, and how punishable, s. 50.

Advertising reward for stolen property, without inquiry, or printing such advertisement, penalty £20, s. 51.

**LARCENY, &c.,**

Receiver of stolen property, where original offender punishable on summary conviction, liable to same penalties, s. 52.  
 Principals in the second degree, and accessories, how punishable, s. 53.

Abettors in misdemeanor punishable as principals, *ib.*

Abettors in offences punishable under summary conviction how punishable, s. 54.

Persons found in the act of committing any offence punishable under this Act, may be arrested without warrant, by any peace officer or owner, and taken before a justice, s. 55.

Search warrants may be granted, on reasonable suspicion proved upon oath, *ib.*

Any person to whom stolen property is offered, may carry the offender before a justice, *ib.*

Summary proceedings under this Act to be commenced within three calendar months, s. 56.

Mode of proceeding in summary convictions under this Act, s. 57. *See also* 14, 15 V. c. 119, *as to levying fines and costs.*

Application of forfeitures and penalties, s. 58.

In default of payment, offender may be committed, s. 59.

Offender, on first offence, may be discharged upon certain terms, s. 60.

Offenders may be pardoned by the crown, s. 61.

Summary conviction to be a bar to other proceedings, s. 62.

Form of summary conviction, s. 63.

One justice may receive information, &c., where two or more empowered to adjudicate, s. 64. *See also* 16 V. c. 178.

Appeal allowed to sessions in cases exceeding £5, s. 65.

Convictions to be returned to the sessions, s. 66.

Actions and prosecutions, where to be tried, s. 67.

Act to extend to offences committed out of the province in certain cases, s. 68.

All fines to be currency, s. 69.

All repugnant Acts repealed, s. 70.

*See also Criminal Law—and Supplement.*

**LAW, CIVIL, AMENDMENT OF, IN MATTERS OF PROCEDURE,**

7 W. 4, c. 3—1837.

Judges of King's bench authorized to alter the mode of pleading, &c., s. 1.

Rules to be laid before parliament, *ib.*

Executors may maintain action for injury to testator's real estate in his lifetime, s. 2.

Damages recovered to be personal estate, *ib.*

Limitation of time for commencement of particular actions, s. 3.

Provision in case of disabilities, s. 4.

In case of written acknowledgment or part payment, *ib.*

On reversal of judgment for error, in certain cases, new action may be commenced within a year, s. 5.

Pleas in abatement for non-joinder to be verified, s. 6.

As to judgment under, s. 7.



## LAW, CIVIL, AMENDMENT OF, IN MATTERS OF PROCEDURE,

- Misnomer not to be pleaded in abatement, but amended on summons, s. 8.
- Initials sufficient, in certain cases, in affidavits to hold to bail, s. 9.
- Wager of law abolished, s. 10.
- Action of debt maintainable against executors, &c., s. 11.
- Court may make rules for admission of documentary evidence, s. 12.
- Amends may be paid into court (except in certain actions), s. 13. *See, as to libel cases*, 13, 14 V. c. 60, s. 3.
- Local actions may be tried in other districts (counties *now*) by suggestion, s. 14.
- Court may direct pleadings to be amended at trial in certain actions, s. 15.
- Or allow record to be withdrawn, *ib.*
- Party dissatisfied may apply for new trial, *ib.*
- Instead of amendment court may direct the jury to find the facts, and give judgment according to merits, if variance be immaterial, s. 16.
- After issue joined parties may agree upon a special case, s. 17.
- Interested witnesses, examination of, ss. 18, 19. *But see also* 16 V. c. 19.
- Jury may allow interest in certain cases, s. 20.
- Interest in *trover* to be in the nature of damages, s. 21.
- Interest, when execution delayed by writ of error, s. 22.
- Payment of costs by executors, &c., s. 23.
- As to costs on *nolle prosequi*, *scire facias*, ss. 24, 25, 26.
- Executors, when may distrain for rent, ss. 27, 28.
- Submission to arbitration when not revocable, s. 29.
- Witnesses may be compelled to attend arbitrators and be sworn, s. 30, 31.
- Sect. 32 (poundage) *is repealed by* 9 V. c. 56.
- Writ of *fieri facias* may be issued without a *testatum*, s. 33.
- See also Evidence—and Supplement.*

## LAW, STUDY AND PRACTICE OF,

37 G. 3, c. 13—1797.

- Present practitioners to form the Law Society, s. 1.
- May make rules, s. 2.
- And appoint governors or benchers, *ib.* *Amended as to visitors by* 13, 14 V. c. 51
- Place and time for first meeting for adopting rules, s. 3.
- Present practitioners authorized to take one pupil or clerk, s. 4. *But see* 47 G. 3, c. 5.
- None but members of society to practise at the bar, s. 5.
- Section 6 is repealed by* 2 G. 4, c. 5, s. 3.
- To be of the full age of twenty-one years, s. 7.

47 G. 3, c. 5—1807.

- Practitioners of the law authorized to take four clerks.

55 G. 3, c. 3—1815.

- Certain persons entered upon the books of the law society to be deemed legally entered, s. 1.

## LAW, STUDY AND PRACTICE OF,

Society authorized to make further entries in behalf of parties prevented by the late war from applying in due time, s. 2.

Attornies entered on the rolls of the King's bench declared to be duly entered, s. 3.

Provision with respect to the future admission of articled clerks serving in the late war, *ib.*

2 G. 4, c. 1—1822.

Attornies not to trade as merchants, &c., s. 44.

2 G. 4, c. 5—1822.

Treasurer and benchers of the Law Society incorporated, s. 1.

To have a common seal, *ib.*

May hold lands, and may sell, demise or lease the same, *ib.*

Part of the 5th section of the 37 G. 3, c. 13, repealed, s. 2.

Barristers of the superior courts in England, Scotland and Ireland, may be called to the bar, *ib.*

And so of barristers of the other N. A. Provinces in which the same privilege is extended to barristers from Upper Canada, *ib.*

The 6th section of the 37 G. 3, c. 13, repealed, s. 3.

No person to be admitted to practise as an attorney unless after actual service under articles for five years, *ib.*

4 W. 4, c. 9—1834.

Attorney or solicitor general admitted to practise as an attorney without service.

7 W. 4, c. 15—1837.

Practitioners from England, Scotland or Ireland, allowed to practise after three, or if graduates of certain universities after two years' service, s. 1.

Graduates of such universities, after three years' service, ss. 3, 4.

Graduates may be called to the bar after three years' standing, s. 5.

10, 11 V. c. 29—1847.

Graduates of Queen's college, or Victoria college, or any other college in Upper Canada, may be admitted as attornies after three years' clerkship, s. 1.

And may be called to the bar after three years' standing, s. 2.

Courts of law and equity, &c., authorized to admit graduates of Queen's college or Victoria college after three years' service, although articles, &c., entered into before they graduated, s. 3.

13, 14 V. c. 26—1850.

The law society may admit as barristers, advocates and students from Lower Canada, after examination, &c., s. 1.

Superior courts authorized, in their discretion, to admit barristers so called, to practise as attornies, &c., s. 2.

Similar privileges accorded in Lower Canada, to practitioners, &c., from Upper Canada, s. 3.

## LAW, STUDY AND PRACTICE OF,

13, 14 V. c. 51—1850.

Chief justices and chancellor, and all the puisne judges and vice-chancellors, to be visitors of the law society.

## 18 V. c. 128 (LAW CERTIFICATES.)

Former Acts repealed, s. 1.

Certificates to be issued by secretary of Law Society, but not to any member while indebted to the Society for other fees, s. 9.

Attornies and solicitors to take out certificate annually in Michaelmas Term, s. 10.

Clerks of Queen's bench and Common pleas and the registrar of the court of Chancery to furnish secretary of Law Society with a certified copy of the rolls of attorneys and solicitors up to Trinity Term 1854, and annually afterwards of further entries, s. 11.

Names to be entered in a book by the secretary and numbered, s. 12.

Attornies, &c. struck off the rolls to be certified by the proper officer and noted in secretary's book, s. 13.

Clerks of the courts of law and registrar of the court of chancery to furnish annually blank certificates to the secretary, s. 14.

Secretary to note date of issue in the margin, &c., s. 15.

Secretary to put up in his office and the offices of each of the courts, a list of attornies and solicitors who have taken out their certificates, annually in February, s. 16.

Additional amount to be paid if certificate not taken out in due time, s. 17.

Penalty £10 for practising without, s. 18.

Attornies, &c. newly admitted need not take out certificate till the next Michaelmas Term, s. 19.

Clerks and their deputies, &c. to furnish annually a list of all persons who from papers filed appear to be practising, s. 20.

Present certificates available till next Michaelmas Term, s. 21. *See also* Reporters—Attorney—Courts of Superior Jurisdiction (Law Society to provide accommodation for.)

## LAW SUITS UNNECESSARY, MULTIPLICATION OF,

*See* Bills of Exchange.

## LAW, ELIZ.,

Pension granted to, 2 G. 4, c. 20.

## LAWLESS AGGRESSION, BY FOREIGNERS,

3 V. c. 12—1840.

By foreigners, to protect the province against.

*See* Foreigners.

## LEASES,

9 V. c. 34—1846.

For not exceeding twenty-one years, with actual possession, not within the Registry Act, s. 18.

## LEASES,

12 V. c. 71—1841.

Remedies for rent, and covenants in a lease, not to be extinguished by merger of the reversion, s. 12.

14, 15 V. c. 7—1851.

Unless by deed, to be void, if required by law to be in writing, s. 4.

14, 15 V. c. 8—1851.

Act to facilitate the leasing of lands and tenements.

Form of words in one column of schedule annexed, to be construed as if the words in column two had been inserted, s. 1.

Leases to include all appurtenances unless specially excepted, s. 2.

Any deed failing to take effect under this Act to be valid as if this Act had not been made, s. 2.

## LEEDS AND LANDSDOWNE,

Townships of, divided, 12 V. c. 99.

## LEEDS, LANARK AND RENFREW LOCOMOTIVE MANUFACTURING COMPANY,

Incorporated, 16 V. c. 249.

## LEGACY,

4 W. 4, c. 1—1834.

Charged on land, deemed satisfied at the end of twenty years if there be no acknowledgment, s. 43.

## LEGGO, CHRISTOPHER,

Payment of a sum of money to him, 4, 5 V. c. 71.

## LEGISLATIVE ASSEMBLY,

How constituted, Imp. Act, 3, 4 V. c. 35, &c.

See Constitution.

7 V. c. 65—1843.

Independence of, for better securing.

Judges, and other officers of courts, registrars, officers of customs and excise, public accountants, adjutant general of militia, &c., disqualified from being members, s. 1. See also 18 V. c. 86, and as to officers of the Post Office, 13, 14 V. c. 17, s. 5.

Exceptions, *ib.* See also 9 V. c. 37, s. 2, excepting commissioners of public works.

Penalty on disqualified persons sitting or voting £500 for every day, s. 2.

Certain persons disqualified to vote at elections under penalty of £500, s. 3. *Repealed as to Clergymen*, 8 V. c. 10.

Seats of members accepting office to become vacant, s. 4.

New writ to issue forthwith, *ib.*

Proviso: same person may be re-elected if not disqualified, *ib.*

Sec. 4 not to apply to certain military, naval or militia appointments, s. 5.

## LEGISLATIVE ASSEMBLY,

- Members may vacate their seats in certain cases, s. 6.
- Mode of resignation, new writ to issue on speaker's warrant, s. 7.
- Member so resigning to sit until new return made, s. 8.
- Members not to resign during certain periods, or while their election is contested, s. 9.
- Provision for issuing writ on resignation between sessions, or during absence of speaker, s. 10.
- Proceedings upon vacancies occurring otherwise than by resignation, s. 11.
- Certain Acts repealed, s. 12.

18 V. c. 86—1855.

- Act for better securing the independence of.
- In what case a new writ may issue before the meeting of parliament after a general election, s. 1.
- Proviso: the first election may be contested, and if the contest succeed it shall avoid the second election also, s. 2.
- No person holding a lucrative office under the crown to be eligible as a member, s. 2.
- Certain offices excepted, if the holder be also a member of the executive council, *ib.*
- Certain officers may vacate one office and accept another within a certain time without vacating their seats, s. 3.

## MEMBERS' INDEMNITY FOR EXPENSES.

4, 5 V. c. 55—1841.

- District treasurers to pay to receiver general the amount in their hands for members' wages.

12 V. c. 33—1849.

- Rate of indemnity and allowance for travelling expenses, s. 1.
- Mode of ascertaining and paying indemnity, s. 2.
- Appropriation for payment, s. 3.
- Days expended to be accounted for as contingent expenses of the house, s. 4.
- See also* Controverted Elections—Elections—Representation, &c.

## LEGISLATIVE COUNCIL,

- Now constituted, Imp. Act 3, 4 V. c. 35.
- Provincial Legislature may amend the provisions of the said Act,—Imp. Act 17, 18 V. c. 118.
- See* Constitution.

## LESLIE, A.,

- Indemnified for voting at election for Lanark, 9 V. c. 101.

## LETTERS OF ADMINISTRATION,

- See* Administration, Letters of.

## LETTER OF ATTORNEY,

16 V. c. 187—1853.

- Memorial of may be registered, s. 7.

**LETTERS PATENT, OF CROWN LANDS,**

37 G. 3, c. 14—1797.

Act to obviate objections to from certain clerical errors in.  
See Heir and Devisee—Public Lands, &c.

**LIBEL,**

See Slander and Libel.

**LIBRARY OF ASSEMBLY,**

7 W. 4, c. 99—1837.

Grant to purchase books for.

**LIBRARIES FOR SCHOOLS,**

See Common Schools—Grammar Schools.

**LIBRARY ASSOCIATIONS,**

See Mechanics' Institutes.

**LICENSE,**

See Auctioneers—Ferries—Hawkers and Pedlers—Inn-keepers—Liquors, Spirituous—Marriage, &c.

**LIGHT-HOUSES,**

To provide for maintenance of four, 3 W. 4, c. 24, 1832—  
6 W. 4, c. 39, 1836.

At Long Point (Lake Erie), 10 G. 4, c. 20—11 G. 4, c. 28.  
Between Nicholson's Island and the Ducks to erect, 2 W. 4,  
c. 25, 1832.

At Nine Mile Point, 3 W. 4, c. 35, 1833.

At Burlington Canal, 3 W. 4, c. 36, 1833.

At Point Pelée, 3 W. 4, c. 39, 1833.

At Hartley's Point, 5 W. 4, c. 39, 1835.

At Gull Island, 5 W. 4, c. 41, 1835—6 W. 4, c. 43, 1836—  
7 W. 4, c. 88, 1837.

At Bois Blanc Island, 6 W. 4, c. 40, 1836.

At Gibraltar Point, grant to repair keepers dwelling house,  
6 W. 4, c. 41, 1836.

At False Ducks, keeper's salary increased, 5 W. 4, c. 37,  
1835—2 V. c. 59, 1839.

3 W. 4, c. 34—1833.

Keepers to be appointed by governor, s. 2.

" to be under superintendence of inspector general,  
s. 3.

Keeper's salary forfeited, if lights not kept up, *ib.*

7 W. 4, c. 96—1837.

Grant for salaries of, s. 3.

9 V. c. 37—1846.

Commissioners of public works to have charge of all public  
works, s. 7.

14, 15 V. c. 52—1851.

All tonnage dues for support of repealed, s. 1.

Expenses of maintaining to be paid out of consolidated  
revenue fund, s. 2.

## LIGHTS,

7 W. 4, c. 22—1837.

To compel vessels to carry at night.

*See* Navigation, Inland.

## LIMITATION OF ACTIONS,

AS TO REAL PROPERTY.

4 W. 4, c. 1—1834.

No land or rent to be recovered after twenty years from the time when right accrued, s. 16.

When right shall be deemed to have accrued, s. 17.

Proviso for forfeiture not taken advantage of by remainderman, *ib.*Reversioner to have a new right, *ib.*

Administrator to claim as from death of deceased, s. 18.

In case of tenants at will, right deemed to have accrued at the end of one year, s. 19.

When right deemed to have accrued in case of yearly tenancy, s. 20.

When right not to accrue on determination of lease, s. 21.

Mere entry not to be deemed possession, s. 22.

No right to be preserved by continual claim, s. 23.

Possession of one co-parcener, &amp;c., not possession of the others, s. 24.

Possession of younger brother, not possession of heir, s. 25.

Acknowledgment in writing equivalent to possession or receipt of rent, s. 26.

When right to be barred where possession not adverse at passing of Act, s. 27.

Time allowed in cases of disability, s. 28. *See* 10, 11 V. c. 5, s. 9.

No action, &amp;c., to be brought after forty years from accruing of right, s. 29.

No further time allowed for succession of disabilities, s. 30.

When right to estate in possession barred, right of same person to future estates also barred, s. 31.

Right of remainder-men, when barred, *ib.*

No suit in equity allowed after time limited at law, s. 32.

In case of express trust, when right shall be deemed to have accrued, s. 33.

In case of concealed fraud, time to run from discovery thereof. s. 34.

Proviso as to purchasers, *ib.*

Saving of jurisdiction of equity on ground of acquiescence. s. 35.

When mortgagors and mortgagees to be barred, s. 36.

Right of parties out of possession extinguished at the end of limitation, s. 37.

Receipt of rent to be deemed receipt of profits, s. 38.

Abolition of real and mixed actions, ss. 39, 40.

Exception as to dower and ejectionment, *ib.*

Saving of certain rights, s. 41.

No descent, warranty, &amp;c., to bar right of entry, s. 42.

Money charged on land, when deemed satisfied, s. 43.

Arrears of dower, rent or interest, not recoverable for more than six years, ss. 44, 45.

# LIMITATION OF ACTIONS,

Proviso, as to mortgagees in possession, &c., *ib.*

*See also* Prescription.

## IN OTHER CASES.

2 G. 4, c. 1—1822.

British statute of, declared to be in force, s. 24.

7 W. 4, c. 3—1837.

Executors may maintain actions for injuries done to real estate in testator's lifetime, if brought one year after his death, s. 2.

Executors may be sued for injury done by testator to property, real or personal, provided the injury was done within six months before his death and action brought within six months after his death, *ib.*

Actions of debt on bond or specialty or recognizance to be brought within ten years from 4th March, 1837, or twenty years after action accrued, s. 3.

Actions on penal statutes by parties aggrieved, when to be brought, if not otherwise limited, *ib.*

Other actions when to be brought, *ib.*

Proviso for disabilities, s. 4.

In case of written acknowledgment or part payment, *ib.*

Acknowledgment may be replied to plea, *ib.*

When judgment reversed or arrested in such actions, new action may be brought within a year, s. 5.

13, 14 V. c. 61—1850.

A written memorandum required in certain actions to take the case out of the statute of limitations, s. 1.

As to joint contractors, *ib.*

As to non-joinder of defendants who have a good defence under the said Act and this Act, s. 2.

Indorsement by the payee of any payment upon any promissory note not to take the case out of the statute, s. 3.

This statute to apply to set off, s. 4.

Ratification of promise after full age must be in writing, s. 5.

Action against a party for false representation as to credit, &c., of a third party, not sustainable unless representation given in writing, s. 6.

The statute of frauds 29 C. 2, to extend to all contracts for the sale of goods of the value of £10, though they be to be delivered, &c., thereafter, s. 7.

## LIMITED PARTNERSHIP,

*See* Partnership, limited.

## LIMITS, GAOL. *See* Gaol limits.

## LINE FENCES,

*See* Fences and Watercourses.

## LIQUORS, SPIRITUOUS AND INTOXICATING, (SALE OF.)

Imp. Act 14 G. 3, c. 88.

Duty of £1 16s. sterling imposed for every license granted by the Governor, &c., for keeping a house or other place



## LIQUORS, &amp;c.,

of public entertainment, or for the retailing of wine, brandy, rum, or other spirituous liquors, s. 5.

Penalty for keeping such house or place, or retailing such liquors, without such license, *ib.*

One half the penalty to the crown, and the other to the prosecutor, *ib.* See 13, 14 V. c. 65, s. 4, *providing for the recovery of this penalty.*

33 G. 3, c. 13—1793.

Keepers of houses or places of public entertainment retailing wines or spirituous to have an inscription over their door that they are licensed so to do:—penalty for neglect, and how enforced, s. 3.

6 W. 4, c. 4—1836.

Prosecutions for selling wine, or spirituous or fermented liquors to be before any two Justices of the Peace for the district (county) in which the defendant resides or the offence is committed, s. 7. See 14, 15 V. c. 120, s. 1, *extending this to penalties under 13, 14 V. c. 65, or imposed by by-laws made under that Act.*

Inspector of licenses to furnish the clerk of the peace with a list of licenses, annually, s. 8. *Saved from repeal.* (See 14, 15 V. c. 120, s. 1)—*but the licenses are now granted by the municipal officer, under 16 V. c. 184.*

*There are provisions in the Statutes of Upper Canada, upon the subject in question, which are not specially mentioned and repealed; but the foregoing seem to be all which are not included by the general repeal in the Acts next referred to. The Imperial Act could not be touched, the penalty imposed by it remains and provision is made for enforcing it; but the Legislature seems to have intended to repeal every Provincial enactment which could interfere with the perfect control of the municipal authorities over the subject, leaving them free to make their own regulations and impose the penalties for contravention.*

12 V. c. 81—1849.

Municipalities empowered to make by-laws for regulating houses for the reception and entertainment of the public, or where spirituous liquors or other manufactured beverage may be sold, and to limit the number of them, and provide for licensing them where there is no other provision for licensing them, s. 31, art. 14.

Municipalities of, incorporated villages, towns and cities, empowered to make by-laws for licensing and regulating victualling houses, &c., where spirituous liquors are not sold, for suppressing and imposing penalties on tippling houses, and for preventing the sale of any intoxicating drink to children, apprentices or servants, without the consent of their legal protectors, s. 60, art. 9.

Provision for inquiry into and punishment of riotous or disorderly conduct in any inn, tavern, ale or beer-house, forfeiture or suspension of license, &c., s. 118, *as amended by 13, 14 V. c. 64.*

13, 14 V. c. 65—1850.

Certain parts of the Acts of Upper Canada, 59 G. 3, c. 2—

## LIQUORS, &amp;c.,

6 W. 4, c. 4—3 V. c. 20—and 3 V. c. 21, repealed immediately, with any other law inconsistent with this Act,—and the whole of the said Acts repealed from 1st March, 1851—except secs. 7 and 8 of 6 W. 4, c. 4. (*See next Act.*)

Shop licenses to sell liquors, not to be affected by this act, nor any provision for compelling steamboats to take licenses, s. 2.

(*But see 18 V. c. 184, repealing all Provincial Acts imposing duties or requiring licenses.*)

Municipalities empowered to make by-laws for limiting the number of inns and houses of public entertainment in which spirituous liquors may be sold to be drunk therein, or prohibiting them entirely; for regulating them, or houses of entertainment where ale, beer, or other fermented liquors are sold to be drunk therein, and for imposing penalties for enforcing such by-laws and fixing the duty to be paid in addition to that imposed by the Imp. Act (14 G. 3, c. 88,) s. 3.

Act not to relieve any person from penalties under the said Imp. Act, and recovery of such penalties provided for, s. 4.

Inspectors of houses of public entertainment to be elected; such Inspectors to be subject to by-laws, s. 5.

Their duties in determining the persons qualified to obtain licenses to keep any such house as aforesaid, or to whom licenses can be granted with most advantage to the public if the number be limited, granting certificates to such persons, &c., ss. 6, 7, 8.

Governor may appoint municipal officers to issue licenses for houses of public entertainment and retailing spirituous liquors therein, instead of revenue inspectors, s. 9.

14, 15 V. c. 120—1851.

Act 13, 14 V. c. 65, explained and amended.

Intention of the said Act declared to be—

That sects. 7 and 8 of 6 W. 4, c. 4, should continue in force, s. 1.

That municipalities should have power by by-law to prevent selling of wines or spirituous liquors, or the keeping of houses of public entertainment, by persons not duly licensed, and to impose penalties for contravention of any such by-law:—and that penalties under the said Act or any such by-law, should be recoverable under section 7 of 6 W. 4, c. 4, and should be divided equally between the municipality and the prosecutor, unless he be a witness, when the whole should belong to the prosecutor, s. 2.

Proviso, Act not to affect cases decided before its passing, ~~no~~.

Provision where a party licensed to keep a house of public entertainment wishes to furnish refreshments out of his house, or to remove them from, s. 3.

16 V. c. 184—1853.

All Acts and parts of Acts of the parliament of Canada or Upper Canada imposing or continuing any duty in Upper Canada, on persons selling wine, brandy or spirituous liquors, ale or beer by retail, or on keepers of houses of

## LIQUORS, &amp;c.,

public entertainment, or requiring that any person should take out any license in order to enable him lawfully to sell wine, brandy, or spirituous liquors, ale or beer, by retail,—repealed, s. 1.

Such repeal not to affect penalties incurred or duties accrued, *ib.*

Nor any municipal by-law made under 13, 14 V. c. 65, or any duty or sum payable under such by-law, *ib.*

Nor any law concerning distillers, *ib.*

Municipalities empowered to make by-laws—

For governing all persons selling wine, brandy or other spirituous liquors, ale or beer in places other than houses of public entertainment, s. 3. *See above as to sale in houses of public entertainment.*

For requiring any such person to take out a municipal license before it shall be lawful for him to sell such liquor in the municipality, and fixing the sum to be paid for it, *ib.*

For limiting the number of persons and places to and for which such licenses shall be granted, *ib.*

Or for prohibiting absolutely the sale of such liquors or of any of them, by retail in the municipality, *ib.*

For making further enactments necessary for giving effect to any such by-law, and for imposing penalties for the contravention thereof, *ib.*

Selling in the original packages, not containing, respectively, less than five gallons or one dozen bottles, shall not be deemed a selling by retail, within this Act, *ib.*

Any by-law made under the authority of this Act may be repealed, &c., without subjecting the party to take out a new license, s. 4.

No penalty to be imposed by any by-law under this Act shall exceed the amount limited by the municipal corporations Acts of U. C., *ib.*

Penalties imposed by by-laws under this Act shall be recoverable and applicable in the manner provided by the said Acts, and shall, as shall all monies levied under such by-laws, form part of the municipal funds, *ib.*

No by-law prohibiting absolutely the sale of any such liquor, or imposing a duty of more than £10 for a license, made under this Act—nor any by-law made after this Act under 13, 14 V. c. 65, prohibiting the sale thereof in any house of public entertainment, to have any force unless approved by a majority of the qualified electors of the municipality, after publication and notice, s. 4.

Moneys arising from licenses, under by-laws made under 13, 14 V. c. 65, or the Imperial Act 14 G. 3, c. 88, to be received and the licenses issued by municipal officers, and any municipal license to keep a house of public entertainment and to retail wines and spirituous liquors therein, to be deemed a license under the said Imperial Act, and the duty thereby imposed to be payable thereon. s. 5.

## LIQUORS, &amp;c.,

## SALE NEAR PUBLIC WORKS.

16 V. c. 134—1853.

Spirituous or intoxicating liquors not to be sold within three miles of any railway, canal, or other public work, in course of construction, s. 1.

Governor may declare what work is within the scope of this Act, *ib.*

Act not to extend to wholesale dealers, nor to the renewal of the license of any house or shop before licensed, *ib.*

Penalty for contravention, £5 for the first offence, £10 for the second, and fine and imprisonment for third offence, s. 2.

Clerks, servants or agents punishable as principals, s. 3.

Cases to be heard and determined before any justice, reeve, or mayor, recorder or county judge, s. 4.

Appeal allowed on certain conditions only, s. 5.

Search for liquors may be made upon the oath of any three municipal electors, &c., s. 6.

The owner of liquor found to be summoned, and if proved to have been kept for sale, &c., the liquor to be forfeited and destroyed, and the owner subject to a penalty of £10, *ib.*

Proceedings if the owner be unknown, s. 7.

Money paid for liquors sold in contravention of this Act, may be recovered by the party paying it; and any promise to pay shall be void, s. 8.

Witnesses may be summoned, s. 9.

Provisions of Acts for the protection of justices extended to cases under this Act, *ib.*

Costs of enforcing judgment to be included in it, s. 10.

As to costs in cases appealed, s. 11.

Proceedings not to be void for want of form, s. 12.

Inconsistent Acts repealed, s. 13.

## SALE TO INDIANS—OR IN GAOLS.

3 V. c. 13—1840.

Spirituous liquors not to be sold or furnished to Indians for any purpose, s. 1. *See also* 13, 14 V. c. 74, s. 6.

Penalty, and how enforced, s. 2.

Exception if furnished by or under order of a medical man, *ib.*

3 V. c. 14—1840.

Penalty for furnishing any prisoner with spirituous liquors contrary to the rules of the gaol, &c., in which he is confined, s. 1.

Proceedings for enforcing penalty, s. 2.

Committal or conviction not void for want of form, s. 3.

Power to summon witnesses and enforce attendance, s. 4.

Levying penalty, s. 5.

*See also* Penitentiary.

## LITERARY AND SCIENTIFIC ASSOCIATIONS, (PRIVATE ACTS).

*See Supplement—and the associations by their corporate names.*

## LITTLE LAKE CEMETERY COMPANY,

Allowance for road vested in, 16 V. c. 82.

## LOAN COMPANIES (PRIVATE ACTS),

*See Supplement—and the Companies by their corporate names.*

## LOANS TO THE PROVINCE,

*See Finance—Public Debt.*

## LOANS BY THE PROVINCE.

13, 14 V. c. 71—1850.

Act to enable the government to dispose of claims against certain companies for loans.

The governor in council authorized to assign the same to any municipal corporation, corporation, or other party, &c., agreeing to purchase.

*See also Railways, for provincial guarantee or advances to railway companies.*

## LOCAL ACTIONS.

7 W. 4, c. 3—1837.

May be tried in any district by suggestion on record, s. 14.

## LOCK UP HOUSES.

10, 11 V. c. 41—1847.

Who liable to be committed to, and by what justices, s. 5.

Commitment not to exceed two days, *ib.*

Expense of conveying prisoner to, how paid, s. 6.

12 V. c. 81—1849.

Municipal councils of cities, towns, and incorporated villages authorized to establish one or more, s. 60, *art.* 11.

Offenders against by-laws may be committed to for not exceeding ten days, and persons lawfully detained for examination before a Justice of the Peace, may be kept therein, *ib.*

13, 14 V. c. 64—1850.

County councils authorized to establish a lock up house in any town, incorporated village or police village, and provide for salary of keeper, &c, s. 10.

Parties convicted under the petty trespass Act (4 W. 4, c. 4, 1834), may be committed to instead of the common gaol.

## LONDON (DISTRICT),

District town removed to a new site reserved for a town (now London) near the forks of the Thames, 7 G. 4, c. 13.

For erection of a new court-house and gaol in, 1 V. c. 37.

## LONDON (TOWN),

Portion of church-street vested in Board of Works, 16 V. c. 227.

## LONDON AND GORE RAILROAD COMPANY,

Incorporated, 4 W. 4, c. 29.

Charter amended and loan to, 7 W. 4, c. 61.

Name changed to Great Western, *which see.*

**LONDON AND PORT SARNIA RAILWAY COMPANY,**  
Incorporated, 16 V. c. 101.

**LONDON AND PORT STANLEY RAILWAY COMPANY,**  
Incorporated, 16 V. c. 133.

**LONDON, ST. PAUL'S CHURCH AT,**  
Rector and churchwardens may sell part of glebe, 11 V. c. 18.

**LONG POINT (LIGHT HOUSE),**  
*See* Light Houses.—Piers at, 4 W 4, c. 35.

**LORD'S DAY,**  
*See* Sunday.

**LOUTH HARBOUR COMPANY,**  
Incorporated, 3 W. 4, c. 22.  
Provincial loan to, authorized, 7 W. 4, c. 67.  
Time for completing, extended, 18 V. c. 71.

**LOUTH TOWNSHIP,**  
Concession lines in, established, 4 W. 4, c. 21.

**LUMBER, INSPECTION OF,**  
8 V. c. 49—1845.

- Former Acts repealed, s. 1.
- Supervisor of cullers to be appointed and sworn, s. 2.
- Supervisor with four merchants to be a board of examiners of cullers, s. 3.
- Cullers, appointment and qualification of, s. 4.
- Divided into four departments, s. 5.
- Examination and oath of office, s. 6.
- Supervisor, his office, and authority, s. 7.
- Assistants in measuring, to be apprentices to cullers, s. 8.
- Measurement of square timber, s. 9.
- Specifications of lumber culled and measured how made, s. 10. *See also* 16 V. c. 168.
- Lumber, how marked, s. 12.
- Copy of any agreement as to mode of measurement to be given to supervisor, s. 13.
- Description of the several classes of lumber, s. 14.
- Improperly squared to be re-dressed, s. 15.
- Fees for measuring and counting, s. 16.
- Cullers' fees, s. 17.
- May be altered by Governor in council, *ib.*
- Supervisor's duties, s. 19.
- His books to be open to inspection, s. 20.
- Salary of, s. 21. *But see* 9 V. c. 16.
- Licensed cullers may hire to merchants, s. 22.
- Provision for settlement of disputes between cullers and owners, &c., s. 23.
- Culling or measuring not compulsory as to lumber shipped by the producer s. 24.
- In other cases it must be either measured, culled or counted, *ib.*
- Supervisor and cullers not to be dealers, s. 25.

**LUMBER, INSPECTION OF,**

Penalty on, for partiality, &c., s. 26.

“ for assaulting culler, s. 27.

New sureties required in cases of removal, &c., s. 28.

Penalty for counterfeiting stamps, &c., s. 29.

“ for setting timber adrift, or concealing, or defacing marks, s. 30.

Rafts to have bright fires at night, s. 31.

Penalties, how recoverable, s. 32.

Limitation of actions, s. 33.

Commissions under former Act, to be valid, s. 34.

9 V. c. 16—1846.

Supervisor of cullers, salary increased to £500.

16 V. c. 168—1853.

Length of timber to be measured, as well as girth.

18 V. c. 93—1855.

Supervisor to be deemed an officer of crown lands department, except as regards actual culling and measuring of lumber, s. 1.

Appointments in supervisor's office to be made by Governor in council, s. 2.

Supervisor authorized to withhold specifications until crown dues on the lumber are paid, s. 3.

**LUMBER,**

Transmission of down rivers, &c.,—incorporation of companies for constructing slides, &c. See Rivers.

**LUNACY,**

9 V. c. 10—1846.

Court of chancery to have the same powers in, as the Lord Chancellor in England, s. 1.

Mode of proceeding where parties desirous of traversing inquisition, s. 2.

When right of traversing to be barred, except by leave of court, s. 3.

Court may order new trial on verdict returned upon traverse, s. 4.

Committees to find sureties, s. 5.

Inventory of lunatic's real and personal estate to be filed by committee, s. 6.

Provision for sale of real property for payment of lunatic's debts, s. 7.

“ for support of lunatic and his family, s. 8.

“ in case of mortgaged estates, s. 9.

“ as to lunatic's trust estates, s. 10.

Conveyances, &c., under order of court, to be valid, s. 11.

Court may compel specific performance of contracts made by lunatics while sane, s. 12.

Costs in lunacy how to be paid, s. 13.

Common gaols to be prisons of chancery, for the purposes of this Act; sheriffs to obey the court, s. 14.

9 V. c. 11—1846.

Court of chancery to have certain powers over estates tail of lunatics, s. 36.

## LUNATICS, DANGEROUS,

14, 15 V. c. 83—1851.

Proceedings, in case of acquittal, on the ground of insanity,  
s. 1.

In case of arraignment, or being brought up to be discharged  
for want of prosecution, s. 2.

Insane persons at large may be committed in certain cases  
as dangerous, and how bailable, s. 3.

Becoming insane while in custody, proceedings thereon, s. 4.

Insane persons furiously mad and dangerous, may be com-  
mitted by any two justices to safe custody until provided  
for, s. 5.

Power of the court of chancery, &c. not to be affected, s. 6.

Provision for the maintenance of insane persons while in  
custody under this Act, s. 7.

What shall be deemed a settlement gained by, s. 8.

## LUNATIC ASYLUM, PROVINCIAL,

2 V. c. 11—1839.

Erection of, authorized, s. 1. (*The remaining sections are  
repealed, except sect. 14 which is effete.*)

9 V. c. 61—1846.

£30,000 to be raised by debentures for completing.

12 V. c. 32—1849.

Further loan of £5,000 to be raised.

13, 14 V. c. 68—1850.

The 2 V. c. 11, 1839, repealed as regards the tax imposed  
by it, s. 1.

A new rate imposed of 6d. in the £100, s. 2.

To be collected as other taxes, *ib.*

To be applied in payment of:—1. Interest on the deben-  
tures. 2. To the formation of a sinking fund. 3. To-  
wards the support of asylum, and for any other public  
building or institution of general importance to the people  
of Upper Canada.

Act to take effect from 1st January, 1851, s. 4.

16 V. c. 182—1853.

Lunatic asylum tax to be collected as other assessed taxes,  
and paid over to the proper officer, ss. 39, 83, &c.

16 V. c. 188—1853.

The remaining clauses of the 2 V. c. 11, (except s. 14,) and all  
other inconsistent Acts repealed, s. 1.

Asylum at Toronto to be vested in the Crown, s. 2.

Financial business and affairs of, to be managed by a bursar,  
s. 3.

Bursar to give security, and report periodically, *ib.*

Medical superintendent to be appointed by the Governor,  
s. 4.

Governor may appoint four times a-year a commission of four  
persons to report on institution and frame by-laws, &c.,  
s. 5.

Commissioners to keep a record of their proceedings and  
transmit same to the Governor, s. 6.



## LUNATIC ASYLUM, PROVINCIAL,

- No lunatic to be received without certificate of three medical licentiates verified by the reeve or mayor, s. 7.
- Copy of such certificate to be sent by the bursar to the father or mother, guardian, &c. of lunatic, s. 8.
- Liability of parents to pay for lunatic, s. 9.
- Mode of enforcing claim, *ib.*
- Bursar authorized to take possession of lunatic's property in certain cases, s. 10.
- In cases of doubt respecting property, inquisition to be held, s. 11.
- Salaries to be fixed by the Governor, s. 12.
- Interpretation of certain words, s. 13.
- Act to commence on 20th June, 1853, s. 14.
- See also* Insane Destitute.

## LUNATIC ASYLUMS, PRIVATE,

14, 15 V. c. 84—1851.

- Justices in quarter sessions authorized to appoint visitors, s. 1.
- Visitors to be sworn, *ib.*
- List of visitors to be published and forwarded to the Governor, s. 3.
- Clerk to visitors to be appointed, s. 4.
- Remuneration to, *ib.*
- May have an assistant, *ib.*
- Interested parties not to act as visitors, or clerk, s. 6.
- No physician, being a visitor, to sign certificate for admission, s. *ib.*
- Nor attend professionally any patient in, without order, under penalty of £50, *ib.*
- Fourteen days' notice, before the sessions, to be given of intended establishment, s. 7.
- License not to extend to more than one house, s. 8.
- Notice of intended addition to, or alteration, to be given, s. 9.
- Wilfully incorrect notice, plan or statement, &c., to be a misdemeanor, s. 10.
- A copy of every license granted to be sent to the provincial secretary within fourteen days, under penalty not exceeding £50, s. 11.
- Statement to be made on renewal of license, s. 12.
- Form of license—duration not to exceed thirteen months, s. 13.
- Parties licensed to give security, s. 14.
- Rates to be charged upon licenses, s. 15.
- Application thereof, s. 16.
- Annual account of to be laid before quarter sessions, s. 17.
- In case of death, license may be transferred by three justices to the superintendent of the house, s. 18.
- Provision for the transfer of patients to another house in certain events, s. 19.
- License revocable upon the recommendation of a majority of the justices in sessions, s. 20.
- No person to be received into without order, and certificate of two physicians, s. 21.
- Receiving a patient without, or signing untrue certificate, to be a misdemeanor, *ib.*

## LUNATIC ASYLUMS, PRIVATE,

Physician to specify the facts upon which certificate founded, s. 22.

No person to receive any insane person into an unlicensed house without medical certificates, s. 23.

Such party to transmit copy of medical certificates to the clerk to the visitors, and annual certificate signed by two physicians, describing patient's state of mind, *ib.*

Under special circumstances, a patient may be received on certificate of one physician only, to be followed by another within three days—otherwise party receiving to be guilty of misdemeanor, s. 24.

Any physician interested in, or professionally attending a licensed house, signing a certificate for admission, to be guilty of misdemeanor, s. 25.

Entry to be made by every proprietor or superintendent on receiving lunatic, in a book, within two days, under penalty not exceeding £2 10s., s. 26.

False entry to be a misdemeanor, *ib.*

The form of mental disorder to be entered in the book, under the like penalty, s. 27.

Proprietor of any licensed house to transmit notice of admission to visitors' clerk within seven days; neglect to be misdemeanor, s. 28.

Notice to be given, within two days, to visitors' clerk, of any escape, or lunatic brought back, under penalty of £10, s. 29.

Entry to be made, and notice given, within two days after death, discharge or removal of any patient from a licensed house—party neglecting to be guilty of misdemeanor, s. 30.

In case of death in any licensed house, statement of the cause to be drawn up and signed by medical attendant, and copy sent to the nearest coroner, and to visitors' clerk, and to the person who signed the order for admission, within forty-eight hours, under penalty not exceeding £50, s. 31.

Abuse, ill-treatment, or wilful neglect of any patient, to be a misdemeanor, s. 32.

Provision for the prosecution of parties concerned in any illegal detention, *ib.*

Provision for due medical attendance in licensed houses, ss. 33, 34.

Condition of the house, and patients, to be entered weekly in the "Medical visitation book" under penalty of £20, s. 35.

Untrue report to be a misdemeanor, *ib.*

Mental state, bodily condition, and medical treatment to be noted in "the case book," and copy sent if required, to visitors, under penalty not exceeding £10, s. 36.

Every licensed house to be inspected four times a-year, by the visitors, s. 37.

Who may visit every part of the establishment, s. 38.

Concealment, to be a misdemeanor, *ib.*

Visitors to make certain inquiries, s. 39.

## LUNATIC ASYLUMS, PRIVATE,

A list of the patients, and books of the establishment to be laid before the visitors, s. 40.

Plan of the house, to be hung up in some conspicuous part, s. 41.

Visitors to enter in the "visitors' book" the result of their inspection, *ib.*

Copies of entries made by visitors to be transmitted to visitors' clerk to be laid before the justices on application for renewal of license, s. 42.

Penalty for neglect not exceeding £10, *ib.*

Any two visitors may inspect the house by night, s. 43.

Patient to be discharged upon the written order of the person signing order for admission, s. 44.

Provision in case of the death of the party who signed the order, s. 45.

No dangerous person to be removed or discharged without the consent of visitors, s. 46.

Any two or more visitors (one being a physician) may, after two visits, order the discharge of any patient appearing to them detained without sufficient cause, s. 47.

Such order to be signed—the opinion of the medical attendant (if tendered) being first taken, s. 48.

Not less than seven days to intervene between such special visits, s. 49.

Preceding powers not to extend to lunatics confined by public authority, s. 50.

Visitors may require to give information concerning patients, s. 51.

Friends or relatives may be admitted to visit patient, on the order of any one visitor, s. 52.

Penalty on proprietor refusing not exceeding £20, *ib.*

Proprietor, with consent of two visitors, may send patient to a specified place for the benefit of his health, s. 53.

In case of removal of patient into any new house, or escape, and recapture within fourteen days, original order to remain in force, s. 54.

Proprietor may plead order in bar of suit at law, s. 55.

Visitors authorized to summon and examine witnesses, s. 56.

Penalty for non-attendance not to exceed £50, *ib.*

Witnesses' expenses to be paid, s. 57.

Penalties how recoverable, s. 58.

Appeal given to the sessions, s. 60.

Limitation of actions, s. 61.

Offenders not to be prosecuted, nor penalties sued for, except by order of visitors, or crown officers, s. 62.

Notices sent by the post to be sufficient, s. 63.

Visitors' costs to be paid by clerk of the peace and included in his accounts, s. 64.

Interpretation clause, s. 65.

This Act not to extend to the provincial lunatic asylum at Toronto, nor the one at Beauport, near Québec, s. 66.

## LYN MANUFACTURING COMPANY,

Incorporated, 18 V. c. 220.

**LYNDHURST MINING AND MANUFACTURING CO.,**  
Incorporated, 7 W. 4, c. 54.

## M A C

**MACADAMIZED ROADS,**

3 V. c. 53—1840.

- Former Acts and parts of Acts repealed, s. 1.  
 Trustees of turnpike trusts to form a board in their respective districts, s. 2, *as amended by* 4, 5 V. c. 63.  
 Commissioners to have power over macadamized roads, *ib.*  
 Commissioners' oath, s. 3.  
 Their powers as to course of roads, entry upon lands, &c., s. 4.  
 Penalty for removing stakes, *ib.*  
 Houses, orchards, &c., not to be entered without owners consent, *ib.*  
 Commissioners may treat for purchase of lands, &c., s. 5.  
 May sell lands, *ib.*  
 Old roads not required may be stopped up and land sold or exchanged, *ib.*  
 Commissioners not to hold office or be interested in contracts, s. 6.  
 Nor receive appropriation monies, *ib.*  
 Penalty £100 for infraction, *ib.*  
 Commissioners to appoint an engineer or surveyor, s. 7.  
 His duty, *ib.*  
 Commissioners to appoint collectors, clerks and other officers, *ib.*  
 The same person not to act as clerk and engineer or surveyor under penalty £50, *ib.*  
 Engineers, clerks and collectors to give security, s. 8.  
 Penalty £50 on any officer concerned in any contract, s. 9.  
 Power to search for and take materials; satisfaction to be tendered, s. 10.  
 Notice to be given, &c., before materials taken, s. 11.  
 Pits or holes to be fenced, levelled, &c., under penalty of 20s., s. 12.  
 Power to cut drains, and make ditches, fences, &c., on making satisfaction, s. 13.  
 Disputes to be settled by two justices, *ib.*  
 Meetings and proceedings of commissioners regulated, &c., s. 14.  
 Proceedings to be entered in a book to be open for public inspection, s. 15.  
 Books evidence in courts, *ib.*  
 Books of account to be kept, s. 16.  
 To be received in evidence, *ib.*  
 Commissioners may sue and be sued, and how, s. 17.  
 Death of Commissioner not to abate action, *ib.*  
 Commissioners making unauthorized expenditure, to be liable, s. 18.  
 General meeting proceeding at, s. 19.

## MACADAMIZED ROADS,

- Proceedings against officers being defaulters, &c., s. 20.  
 Present toll-gates to be continued, s. 21.  
 New toll-gates may be erected after notice, *ib.*  
 Toll-gates may be discontinued or sites changed, *ib.*  
 Lamps to be erected at toll-gates, s. 22.  
 Penalty on collector for neglect, *ib.*  
 Penalty for damaging lamps, *ib.*  
 Weighing machines may be erected, s. 23.  
 Waggon, &c., to be weighed, s. 24.  
 Penalty £5 for neglect, *ib.*  
 Penalty on owner for refusing, *ib.*  
 Power of commissioners as to rates of tolls, s. 25.  
 Further power to raise after 12 years, s. 26.  
 Tolls may be farmed, and after what notice and for what time, &c., s. 27.  
 Penalty £5 on collector for taking improper tolls, *ib.*  
 Tolls payable before passing, s. 28.  
 Commissioners may compound for, s. 29.  
 Table of tolls to be put up at toll-gate, s. 30.  
 Tickets to be provided, *ib.*  
 Provision for appointment of temporary successor, in case of death of collector, s. 31.  
 Rights lessee of tolls, s. 32.  
 Provision in case of failure of lessee to comply with conditions of lease, s. 33.  
 Toll collector's name to be put up in front of toll-gate, s. 34.  
 Penalty for neglect of this or any other duty, £5,  
 Lessee to have the powers and liabilities of a collector, s. 35.  
 Who may be competent witnesses, s. 36.  
 Property in toll-gate, house, &c., vested in commissioners, s. 37.  
 Penalty for driving off the hard road, damaging fences, or otherwise injuring or obstructing the road, &c., s. 38.  
 Maliciously destroying or injuring any turnpike gate, to be a misdemeanor, s. 39. *See also* 4, 5 V. c. 26, s. 14.  
 Exemptions from tolls, s. 40.  
 Penalty on persons claiming exemption though not entitled, s. 41.  
 Penalty for evading toll, s. 42.  
     " for crossing land to evade, *ib.*  
     " counterfeiting toll tickets, *ib.*  
     " forcibly passing, *ib.*  
     " or lessening or evading tolls in other ways, *ib.*  
 Provision for road through land adjoining while road under repair, s. 43.  
 Recompense if disputed to be settled by two justices, *ib.*  
 Penalty for obstructing collector, s. 44.  
 Vacancies of trustees how to be filled up, s. 45.  
 No waggon, &c., to be driven by a person under thirteen years of age under a penalty of 10s. s. 46.  
 Penalty for negligent driving, *ib.*  
 Penalty for obstructions on road, s. 47.  
 Retailers of spirituous liquors not to hold office under commissioners, s. 48.

## MACADAMIZED ROADS,

*Sect. 49. (Statute labour, commutation of, by residents within half a mile,) is repealed by 8 V. c. 23, which see.*

Penalty on town clerk neglecting to furnish certain lists, s. 50. *But the lists were those mentioned in s. 49, which is repealed.*

Secs. 5 and 28 of 1 V. c. 21, repealed in part, s. 51. *The whole Act except ss. 32, 33, 34, 35, is repealed by 12 V. c. 80.*

Tolls collected to be paid to commissioners, s. 52.

Provision for payment of the interest of debt to receiver general half yearly by commissioners, *ib.*

For redemption of debentures, s. 53.

Vacancies in board of commissioners how filled up, s. 54.

Persons in employment of trustees to account to commissioners, s. 55.

Commissioners authorized to carry into effect certain provisions of former Acts, *ib.*

Commissioners, from sale of debentures, to discharge certain former liabilities, s. 56.

To keep certain roads within city of Toronto and liberties in repair, s. 57.

Penalties, how recoverable, s. 58.

Distress not unlawful for want of form in proceedings, s. 54.

Limitation of actions, s. 60.

Penalties under £5 recoverable before two justices, s. 61.

No summary conviction after six months, s. 62.

Application of fines, s. 63.

Schedules of forms of account.

## 4, 5 V. c. 63—1841.

Statute labour, commutation of, in what cases compulsory, under the 3 V. c. 53, s. 1. *But see 8 V. c. 23 which repeals the commutation clause in 3 V. c. 53.*

Sect. 2 of the 3 V. c. 53, repealed to a certain extent, s. 2.

Trustees of commissioners of each macadamized road in the Home District to exercise separate powers, *ib.*

Compensation for lands taken, how made, s. 3.

## 7 V. c. 14—1843.

Vehicles laden with or going for manure, exempted from tolls in certain case, s. 1.

No tolls to be collected on a Sunday or Holiday from persons going or returning from divine service, s. 2.

Nor from persons going from one part of their land to another within half a mile, s. 3.

Act not to extend to any Toll-Bridge belonging to a private party, s. 4.

## 8 V. c. 23—1845.

Section 49 of 3 V. c. 53, repealed, s. 1.

Part of 59 G. 3 c. 8, revived, instead of the repealed provision. *But see 13, 14 V. c. 66, which wholly repeals the 59 G. 3 c. 8, several sections which had been previously repealed by 4 G. 4, c. 9—4 G. 4, c. 10—5 W. 4, c. 8—1 V. c. 21.*

**MACADAMIZED ROADS,**

9 V. c. 37—1846.

Management of all public roads constructed or maintained out of provincial funds transferred to commissioners of public works, s. 7.

Public works mentioned in schedule vested in Her Majesty, s. 23.

Provision for transfer of any public road to the *district*, on by-law passed for securing payment of the interest of the public money expended on it, &c., *ib.*

**SCHEDULE OF ROADS REFERRED TO.**

The main Provincial road from Quebec to Sandwich,

The main road from Queenston to Hamilton,

The Port Hope and Rice Lake road,

The Windsor, Scugog, and Narrow's bridge road,

The main north-road from Toronto to Lake Huron at Penetanguishine,

The Hamilton and Port Sarnia road,

The London, and Port Stanley road.

Excepting certain portions, within Cities, or under Montreal and Quebec Turnpike Trusts, &c.

Schedule of maximum Tolls on such Roads.

12 V. c. 5—1849.

Sale and transfer of any of the public roads, harbours, authorized, ss. 12, 13.

*See* Public Works—Highways.

**MACADAMIZED ROADS,**

To facilitate negotiation of loans for completing, &c., 7 W. 4, c. 4.

**MACARA, JOHN**

Admission as an attorney, &c., 9 V. c. 102.

**MACAULAY, J.,**

Admission as an attorney, &c., 18 V. c. 248.

**MACHINERY,**

1 V. c. 18—1838.

Guards to be erected about machinery of steamboats, steam cars, and steam carriages, mills and other buildings where machinery used, to prevent accident, s. 1.

Collectors of customs to examine steamboats, &c., and enforce this Act, s. 2.

Justices of the peace to enter buildings and inspect machinery, and direct necessary guards, s. 3.

Penalty on owners for refusal or neglect, s. 4.

Certificate of sufficiency to be given; its duration and effect, s. 5.

4, 5 V. c. 26—1841.

Wilful injury to any threshing machine, or any machinery or engine employed in any manufacture to be felony, s. 4, 5.

Riotously demolishing any building or machinery employed in any manufacture, to be felony, s. 6.

*See also* Steamboats.

MACNAB, A. N.,

To authorize the conveyance of certain road allowances in Barton to him, 1 V. c. 41.

MACNAB AND CHURCH, CAPTAINS,

Pensions granted to the widows of, 1 V. c. 48.

McCOLLOM, J. S.,

Road allowance in Nelson vested in, 12 V. c. 172.

McCORMICK, S.,

Pension granted to, for wounds received in the "Caroline" affair, 1 V. c. 46.

McINTYRE, N. C.,

Admission as attorney, &c., 16 V. c. 72.

McISAAC, REV. JOHN,

Certain trustees to convey lot of land in Lochiel to him, 4, 5 V. c. 87.

McLAURIN, REV. J.,

Enabled to convey land to Ottawa district school trustees, 8 G. 4, c. 22.

McLEOD, CATHARINE,

Militia pension granted to her, 56 G. 3, c. 12.

McMILLAN,

Militia pension granted to, 6 W. 4, c. 45.

MADDOCK, J. F.,

Admission to practice, 3 V. c. 29.

MADHOUSE,

*See* Lunatic Asylum.

MAGISTRATE,

12 V. c. 10—1849.

Meaning of the word in future Acts defined, s. 5.

*See also* Justices of the peace.

MAIMING,

*See* Cutting and Maiming.

MAIN TRUNK LINE OF RAILWAY,

*See* Railways.

MANAGERS,

Of the Ministers' Widows' and Orphans' fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland, incorporated, 10, 11 V. c. 103.

MALICIOUS INJURIES TO THE PERSON,

4, 5 V. c. 27—1841.

Act for consolidating and amending the law.



## MALICIOUS INJURIES TO THE PERSON,

- Petit treason to be treated as murder, s. 2.
- Principal in murder to suffer death, s. 3.
- Accessories after the fact, how punishable, *ib.*
- Sentence for murder when to be pronounced, s. 4.
- Prison regulations as to murderers after sentence, s. 5.
- Trial of murder, or manslaughter where the cause of death happens out of the province, s. 6.
- Where death ensues out of the province from cause arising within, *ib.*
- Punishment for manslaughter, s. 7.
- As to homicide, by misfortune or self defence, s. 8.
- Administering poison, or stabbing, &c. with intent to murder, felony, death, s. 9.
- Attempt to murder by poison, shooting at, drowning, &c., without bodily injury effected, felony, s. 10.
- Shooting at, cutting and maiming with intent to disfigure, &c., or to prevent lawful arrest, felony, s. 11.
- Sending or delivering explosive substance with intent to injure, felony, s. 12.
- Attempt to procure abortion by poison or other means, felony, s. 13.
- Concealment of birth, misdemeanor, s. 14.
- Sodomy—punishment for—death, s. 15.
- Rape—punishment for—death, s. 16.
- Carnal knowledge of a girl under ten years of age, felony, death, s. 17.
- Above the age of ten, and under twelve, misdemeanor, *ib.*
- Proof of carnal knowledge, what shall be, s. 18.
- Forcible abduction of an heiress, &c., felony in principal and accessories, s. 19.
- Unlawful abduction of a girl under sixteen from her parents or guardians, &c, misdemeanor, s. 20.
- Child stealing, aiders and abettors in, guilty of felony, s. 21.
- Bigamy, to be felony, s. 22.
- Arresting a clergyman during divine service, &c., misdemeanor, s. 23.
- Assaulting any justice, officer or other person endeavouring to save shipwrecked vessel or property, how punishable, s. 24.
- Assault with intent to commit felony ; or on peace officers in execution of their duty—or in pursuance of conspiracy to raise wages, how punishable, s. 25.
- Assault on any seaman to prevent him from working ; or any person with intent to hinder the buying or selling any wheat, grain, &c., how punishable, s. 26.
- Common assault, punishable on summary conviction before one justice, ss. 27, 28, 29, 30. *See also* Assault.
- Disturbing religious service, punishable on summary conviction, and how, s. 31.
- How fines under this Act shall be levied, s. 32. *See also* 14, 15 V. c. 119.
- Appeal given to quarter sessions, s. 33.
- Such appeal to be triable by a jury, s. 34.
- Punishment of accessories in felony under this Act, s. 35.

**MALICIOUS INJURIES TO THE PERSON,**

Imprisonment under this Act may be accompanied by hard labour or solitary imprisonment, s. 36.

Jury may in certain cases acquit of felony and convict of assault, s. 37.

Act not to affect laws governing Her Majesty's forces, s. 38.

Party imprisoned under this Act, may be pardoned, in any case, s. 39.

Proceedings in cases of summary conviction under this Act, ss. 40, 41, 42.

Act not to effect Acts relating to high treason or to the revenue, s. 43.

Inconsistent Acts, &c., repealed, s. 44.

18 V. c. 92—1855.

Administering chloroform with intent to commit felony, to be felony, s. 29.

Unlawfully and maliciously wounding with or without any weapon, or unlawfully and maliciously cutting, stabbing or wounding any person, misdemeanor, and how punishable, s. 30.

Defendant indicted for felony by cutting, stabbing or wounding may be found guilty of cutting, &c., though the felony be not found, s. 31.

Punishment therefor, *ib.*

Maliciously throwing any thing against a railway carriage, with intent to injure any person, to be felony, s. 33.

*See also* Railways—Explosive Substance, &c.—*and Supplement.*

**MALICIOUS INJURIES TO PROPERTY,**

4, 5 V. c. 26—1841.

Act for consolidating the law.

**CAPITAL OFFENCES.**

Setting fire to any dwelling house any person being therein, s. 1. *See also* 10, 11 V. c. 4.

Setting fire to any ship or vessel with intent to murder, s. 7.

Hanging out false lights to cause shipwreck, s. 8.

**FELONIES (NOT CAPITAL.)**

Setting fire to any church, chapel, warehouse or other building, s. 3.

Destroying any goods in the course of manufacture, or any manufacturing implement or machinery, and forcible entry with intent, &c., s. 4.

Destroying any threshing machine or any other machine, with certain exceptions, s. 5.

Riotously demolishing, &c. any church or place of worship, or any house or building for manufacturing purposes, or any machinery therein, s. 6.

Setting fire to, or any way destroying any ship or vessel with intent to prejudice the owner, &c., s. 9.

Impeding any person endeavouring to save his life from shipwreck, s. 10.

Destroying wrecks or any goods belonging thereto, s. 11.

Destroying any seabank, &c., or works on any river or canal, s. 12.

**MALICIOUS INJURIES TO PROPERTY,**

- Removing the piles of any seabank, &c., or doing any damage to obstruct navigation, *ib.*
- Destroying or rendering dangerous any bridge, s. 13.
- Maliciously killing or wounding any cattle, s. 16.
- Maliciously setting fire to any agricultural produce or any coals, charcoal or wood, s. 17.
- Maliciously destroying hopbinds, s. 18.

**MISDEMEANORS.**

- Destroying any turnpike gate, bar, or fence, or any weighing machine, s. 14.
- Breaking down the dam of any fishpond, or using any noxious material to destroy any fish therein, or breaking down any mill dam, s. 15.
- Maliciously destroying or damaging any tree, &c., growing in any park or pleasure ground, garden, orchard or avenue, &c., s. 19.
- Maliciously destroying any tree, &c., elsewhere — the damage exceeding one pound, *ib.*

**PUNISHABLE ON SUMMARY CONVICTION.**

- Maliciously destroying any tree, &c., to the value of one shilling, fine not exceeding one pound, besides value, s. 20.
- Destroying any fruit or vegetable production in any garden, orchard, &c., fine not exceeding £2, besides value, s. 21.
- Destroying any vegetable production not growing in a garden, fine not exceeding 20s., besides value, s. 22.
- Destroying any fence, wall, stile or gate, fine not exceeding 20s., s. 23.
- Malicious injury to or upon any real or personal property, public or private, for which no other remedy provided, compensation not exceeding £5, s. 24.
- Summary prosecutions to be commenced within three calendar months, s. 29.
- Mode of proceeding, s. 30.
- Abettors punishable as principals, s. 31.
- Application of forfeitures and penalties, s. 32.
- Offenders may be committed in default of payment, s. 33.  
*See also* 14, 15 V. c. 119.
- May be discharged from conviction for a first offence upon certain terms, s. 34.
- May be pardoned by the crown, although imprisoned for non-payment of money to some party other than the crown, s. 35.
- Summary conviction to be a bar to other proceedings, s. 36.
- Form of the conviction, s. 37.
- Appeal to the sessions in cases exceeding £5, s. 38.
- Convictions to be returned to the sessions, s. 39.

**GENERAL PROVISIONS.**

- Offences under this Act equally punishable although malice be not shown, s. 25.
- Principals in the second degree, and accessories before the fact, punishable as principals in the first degree, s. 26.
- Accessories after the fact how punishable, *ib.*

**MALICIOUS INJURIES TO PROPERTY,**

Abettors in misdemeanor how punishable, *ib.*

The court may in all cases of conviction where imprisonment is awarded, order hard labour, or solitary confinement, s. 27.

Offenders found contravening this Act, may be apprehended without warrant by any peace officer or the owner of the property and taken before a justice, s. 28.

Limitation of actions for things done under this Act, s. 40.

Venue, notice, &c., in such actions, *ib.*

Fines, &c., to be in current money, s. 41.

All inconsistent Acts repealed, s. 42.

10, 11 V. c. 4—1847.

Malicious attempt to set fire to any building, stack or vegetable produce, felony, s. 7.

18 V. c. 92—1855.

Setting fire to any stack of corn, grain, &c., felony, s. 35.

*See also* Arson—Railways, &c.,—and *Supplement*.

**MANSLAUGHTER,**

4, 5 V. c. 27—1841.

Punishment for, s. 7. *See also* 3 W. 4, c. 3, s. 25.

**MANUFACTURES,**

4, 5 V. c. 26—1841.

Destroying goods in the course of manufacture, felony, s. 4.

**MANUFACTURING, MINING, SHIP-BUILDING, MECHANICAL, AND CHEMICAL PURPOSES,**

13, 14 V. c. 28—1850.

General incorporation of joint stock companies for.

Companies, how incorporated, and for what purposes, s. 1.

*See also* 16 V. c. 172.

General corporate powers, s. 2.

Not to grant mortgages, *ib.*

Evidence of formation of company and incorporation, s. 3.

Provision for the election of trustees after the first year, s. 4.

Elections to be by ballot, s. 5.

Corporation not dissolved by failing to elect on stated day, s. 6.

To have a chairman and officers, s. 7.

Stock to be called in by instalments, s. 8.

Power to make by-laws, s. 9.

Stock to be deemed personal estate and transferable, s. 10.

Liability of stockholders, s. 11.

Amount of stock, &c., to appear on place of business, and on face of notes, &c., *ib.*

Certificate of payment of stock in full, when to be registered, s. 12.

Within what time the stock must be paid up, *ib.* *But see* 16 V. c. 172.

Annual report of affairs to be published in newspaper, s. 13.

Liability of trustees paying dividends in certain cases, s. 14.

Loans to stockholders prohibited, s. 15.

Officers liable for debts of company in certain cases, s. 16.

**MANUFACTURING, MINING, &c.,**

Stockholders liable individually for servants' wages, s. 17.  
 Executors, &c., not personally liable, but the estate they represent, s. 18.

Executors may vote at elections, but not qualified as officers, s. 19.

Books with names of stockholders, &c., to be kept for inspection, s. 20.

Books to be *primâ facie* evidence, s. 21.

Interpretation clause, s. 22.

Right to amend the Act reserved, s. 23.

16 V. c. 172—1853.

The above Act extended to companies for the erection of public hotels or baths and bath-houses, and opening salt or mineral springs, s. 1.

Period for paying up stock in full, extended to five years, *ib.*  
 Shareholders may pay up their shares in full within such five years, s. 2.

Provision for registration in case the operations of the company are carried on at more than one place, s. 3.

**MANUFACTURING COMPANIES, (PRIVATE ACTS,)**

*See Supplement—and the several Companies by their Corporate Names.*

**MANURE,**

7 V. c. 14—1843.

Vehicles laden with, to pass toll free through any turnpike gate, and so in returning empty, s. 1. *See also* 3 V. c. 53, s. 40.

**MARINE MUTUAL INSURANCE COMPANY,**

Of Montreal, incorporated, 14, 15 V. c. 164.

**MARKETS,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating existing, and establishing any new, s. 60.

For regulating vehicles, &c., containing any thing for sale, and for imposing tax thereon, *ib.*

For seizing and destroying unwholesome provisions, *ib.*

Markets and market places to be vested in the corporation, s. 138.

**MARKHAM AND ELGIN MILLS PLANK-ROAD COMPANY,**

Incorporated, 12 V. c. 157.

**MARMORA FOUNDRY COMPANY,**

Incorporated; 1 W. 4, c. 11.

Repealed, except as regards certain temporary purposes, &c., 16 V. c. 253, s. 1.

Act of U. C. amended, and new company incorporated, 16 V. c. 253.

**MARRIAGES,**

33 G. 3, c. 5—1793.

Contracted before 9th July, 1793, before any magistrate, &c., declared valid, s. 1.

**MARRIAGES,**

Testimony of, how preserved, s. 2. *See* 59 G. 3, c. 15, *extending the time.*

Regulations for future celebration of, s. 3.

When justice of the peace may solemnize, *ib.*

Notice and proceedings in such case, *ib.*

Certificate to be given, *ib.*

Counterfeiting certificates, how punishable, s. 4.

When power of justices to cease, s. 5.

Penalty on justices solemnizing thereafter, *ib.*

Marriages to be valid although not celebrated in a church or chapel, s. 6.

38 G. 3, c. 4—1798.

Ministers of the churches of Scotland, or Lutherans, or Calvinists, authorized to celebrate, s. 1.

Certificate to be first obtained from general quarter sessions, s. 2.

And after what notice, s. 3.

Celebration to be by banns or license, s. 4.

Certificate to be given if demanded, s. 5.

Certificate to be registered with clerk of the peace, *ib.*

Former marriages by persons obtaining such certificate, to be valid, s. 6.

59 G. 3, c. 15—1818.

Further time and facilities granted for proving marriages under 33 G. 3, c. 5.

2 G. 4, c. 11—1821.

Persons illegally solemnizing, guilty of misdemeanor, s. 1.

Quarter sessions not to have jurisdiction in, *ib.*

Proof of authority to lie on defendant, s. 2.

11 G. 4, c. 36—1830.

Former marriages confirmed, s. 1.

Testimony of, how preserved, s. 2.

Former marriages, illegally solemnized, not to be valid where subsequent marriage contracted, *ib.*

Other denominations, viz., Presbyterians, Congregationalists, Baptists, Independents, Methodists, Menonists, Tunkers or Moravians, authorized to celebrate, s. 3.

Certificate from quarter sessions to be first obtained, s. 4.

Solemnization by banns or license, s. 5.

Certificate of marriage to be given by person solemnizing, s. 6.

Annual returns to be made to clerk of the peace under penalty of £40, *ib.* *See* 12 V. c. 90, sec. 2.

Record to be made of return, and to be evidence, *ib.*

10, 11 V. c. 14—1847.

*Quarterly* returns of, to be made to the clerk of the peace, s. 16.

12 V. c. 90—1849.

Such returns to be made *once a year* only, s. 1.

While the census Act 10, 11 V. c. 14 remains in force, the returns mentioned in the 6th sec. of the 11 G. 4, c. 36, not required, s. 2.

## MARRIAGES,

10, 11 V. c. 18—1847.

Powers granted by 11 G. 4, c. 36—1830, extended to ministers of all denominations of christians, s. 1.

Oath of allegiance to be taken and certificate filed, s. 2.

Such oath to be registered, s. 3.

Act not to affect persons already empowered to solemnize marriage, s. 4.

Appearance by ministers before general quarter sessions dispensed with, s. 5.

18 V. c. 58—1854.

Same powers extended to the Evangelical Lutheran Church, s. 1.

18 V. c. 129—1855.

Marriages by otherwise qualified ministers, before license obtained from the quarter sessions under the 11 G. 4, c. 36, declared to be valid, s. 1.

## MARRIAGE LICENSE FUND,

13, 14 V. c. 70—1850.

The 3rd sec. of 9 V. c. 65, repealed, and the proceeds of the U. C. portion to be at the disposal of parliament, for the benefit of Upper Canada.

## MARRIED WOMEN,

59 G. 3, c. 3—1819.

Enabled to alien real estate by deed executed jointly with the husband, s. 1.

When resident in the province, to be examined in open court or before a judge, s. 2.

When resident abroad, in the United Kingdom or any British colony, before the mayor or chief magistrate of any city, &c., or judge of the superior court of any colony, *ib.*

Certificate to be indorsed, s. 3.

Time within which such examination must be had, s. 4.—

*See* 1 W. 4, c. 2.

Certificate of mayor, &c., to be under seal of corporation, s. 5.

2 G. 4, c. 14—1821.

Examination before general quarter sessions sufficient.

Certificate of chairman to be endorsed.

1 W. 4, c. 2—1831.

If resident in the province deed to be executed in presence of one of the judges of King's bench, judge of the county court, or judge of surrogate court, or two justices where party resident or, (shall happen to be when deed executed, s. 1, *as amended by* 14 15 V. c. 115, s. 3,)

Certificate to be endorsed, *ib.*

If resident abroad, then before one of the judges, &c., or two justices of any district, s. 2.

Certificate required under former statutes may be obtained, although twelve months expired, s. 3.

The 43 G. 3, c. 5, repealed, except as to conveyances executed, s. 5.

**MARRIED WOMEN,**

2 V. c. 6—1839.

Certificate on deed, executed under 1 W. 4, c. 2, to be held to be as of the same date as the deed, s. 1.

Form of certificate, s. 2.

Joining in conveyance with the husband, to be a bar of dower, s. 3.

Acknowledgment of bar of dower to be effective, though the wife have not joined in the deed, s. 4.

9 V. c. 11—1846.

Tenant in tail may convey with concurrence of her husband, s. 28.

May release powers, &c., with like consent, s. 50.

Deeds executed by, under this Act, to be acknowledged as prescribed by laws of Upper Canada, s. 52.

14, 15 V. c. 115—1851.

If resident in a foreign country, not owing allegiance to Great Britain, deed to be executed before chief executive officer of the state, British consul, or judge of a court of record, s. 1.

Certificate to be given, s. 2.

The 1st section of the 1 W. 4, c. 2, amended as above, s. 3.

**MASTER AND SERVANT,**

10, 11 V. c. 23—1847.

Agreement binding, but if verbal for one year only, s. 1.

Any person hired refusing to work, or leaving employment, to be liable to punishment under the 5th section, s. 2.

Any tavern-keeper persuading servant or labourer to confederate for higher wages, to forfeit license, s. 3.

Wearing apparel of any servant not to be detained in pledge by tavern keepers, &c., for more than £1 10s., s. 4.

Complaints against servants may be made before one justice, with power to inflict fine not exceeding £5, or imprisonment for not more than one month, s. 5.

If fine not immediately paid, offender may be committed, s. 6.

Any one justice may hear and determine complaint of servant against master, and order payment of wages not exceeding £10, s. 8.

Appeal given to the sessions, s. 9.

18 V. c. 136—1855.

Act of the 10, 11 V. c. 23, to apply to journeymen or skilled labourers in any trade or employment, and to their masters, s. 1.

Provisions of the above cited Act to apply to engagements whether actually entered upon or not, s. 2.

**MATTHEWS, P.,**

Attainder reversed, &c., 9 V. c. 105.

**MAYOR,**

12 V. c. 81—1849.

In cities, to be elected from among the aldermen, s. 83.

In towns, by town councillors, s. 66.



**MAYOR,**

To be the head of the corporation, s. 108. *See also, Municipalities.*

**MASTERS IN CHANCERY,**

*See Chancery.*

**MEASURES,**

*See Weights and Measures.*

**MECHANICAL PURPOSES, JOINT STOCK COMPANIES FOR,**

*See Manufacturing, &c., Companies.*

**MECHANIC'S INSTITUTES AND LIBRARY ASSOCIATIONS,**

14, 15 V. c. 86—1851.

Associations how formed, s. 1.

Declaration to be subscribed of intended object, *ib.*

Copy of constitution and by-laws to be filed with registrar, *ib.*

To have corporate powers and hold property not exceeding yearly value of £100, s. 2.

Affairs to be managed by directors or trustees with power to make by-laws, s. 3.

Board of directors or trustees to be appointed at annual meeting and also a president and librarian, s. 4.

To hold office for one year, *ib.*

Or until successors elected, s. 5.

May impose fines on members, s. 6.

Corporation may, if provided for in declaration, embrace both objects, s. 7.

Shares may be made transferable, and to be personal property, etc., s. 8.

Dissolution of corporation, provision for, s. 9.

Proviso as to liabilities, *ib.*

Not to affect in corporation by separate Act, s. 10.

**MEDICAL BOARD :—MEDICINE,**

*See Physic and Surgery.*

**MEETINGS, ILLEGAL,**

1 V. c. 11—1838.

For training to the use of arms, provision for the suppression of.

Such meetings prohibited, s. 1.

Punishment of persons drilling or present at drill, etc., *ib.*

Justices may disperse meeting and commit offenders, s. 2.

Act not to prevent indictment, s. 3.

Local jurisdiction of justices under this Act, extended to all districts, s. 7.

Protection of justices for things done under this Act, s. 8.

Governor may declare any district not to be within this Act, s. 9.

Limitation of time for prosecutions under this Act, s. 10.

**MEETINGS, PUBLIC,**

*See Public Meetings.*

## MEMBERS OF ASSEMBLY,

See Legislative Assembly.

## MEMORIAL,

9 V. c. 34—1846.

For registry of deeds, conveyances and wills, to be executed, s. 6.

To be in writing, and, in case of deeds, under hand and seal of grantor or grantee, attested by two witnesses, s. 7.

To be verified by oath of witness, *ib.*

In case of wills, to be under hand and seal of devisee, attested by two witnesses, *ib.*

To be verified by oath of witness, *ib.*

To contain certain particulars, s. 8.

Section 9 is repealed by 16 V. c. 187, s. 6, *which see*.

Memorials of deeds, &c., executed out of Upper Canada, to be verified before the mayor, &c., or judge, in Lower Canada, or before the mayor, &c., in any foreign country, s. 10.

Provision made in case of death or absence of witness, s. 11.

12 V. c. 77—1849.

Affidavits of execution may be made before commissioners in Lower Canada.

16 V. c. 187—1853.

As to memorials of deeds embracing lands in several localities in the same county, s. 5.

On what proof memorials executed in U. C. but out of the county where the lands lie, shall be registered, s. 6.

Memorial of letter of attorney may be registered, s. 7.

18 V. c. 127—1855.

Of deeds, &c., executed out of Upper Canada, may be registered on affidavit sworn before a judge of a superior court in Upper or Lower Canada, or before the judge of any county court in Upper Canada, or circuit court in Lower Canada, or a commissioner in Upper or Lower Canada, or the registrar or deputy of the county, s. 5.

See *also* Registry Laws.

## MENACES,

See Extortion—Threats.

## MENONISTS, TUNKERS, MORAVIANS, &amp;c.,

49 G. 3, c. 6—1809.

Permitted to affirm in like manner as Quakers, s. 1.

False affirmation to be considered perjury, s. 2.

Disabilities of, to hold office, or sit on criminal juries, s. 3.

*But see below.*

10 G. 4, c. 1—1829.

Permitted to give evidence in criminal cases, s. 1.

Form of affirmation and previous declaration, *ib.*

Evidence so given to be received as if on oath, *ib.*

Persons authorized to administer oaths in criminal cases to take affirmations, *ib.*

Perjury may be assigned on false affirmation, s. 2.

## MENONISTS, TUNKERS, MORAVIANS, &amp;c.,

*Sect. 3 (that they are not to serve on criminal juries) is repealed by 14, 15 V. c. 65, s. 2. See Juries.*

18 V. c. 77—1855.

All persons bearing certificates from the society, exempted from militia duty, s. 7.

Claim thereto, with affidavit, to be filed with commanding officer of company one month before benefit allowed, *ib.*

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## MERRICK, M., AND OTHER ALIENS,

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## MESNE PROCESS,

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## MIDLAND DISTRICT,

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**MILITIA,**

18 V. c. 77—1855.

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## GENERAL PROVISIONS.

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But not to corporal punishment—death or imprisonment excepted, *ib.*

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## BILLETING AND CANTONING TROOPS AND MILITIA ON ACTUAL SERVICE, &amp;c.

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- Refusing or neglecting to assist commanding officer in making rolls, &c., £5 for each offence, s. 86.
- Militiamen or other persons refusing information for making roll, &c., £2 10s. for each offence, s. 87.
- Neglecting to attend muster, or misbehaving thereat, not exceeding £1 5s. for each offence, s. 88.
- Hindering militia at drill £1 5s. for each offence, and imprisonment *pro tem*, s. 89.
- Disobedience of orders, insolence, &c., £1 5s. for each offence, s. 90.
- Not keeping arms in proper order £1 for each offence, s. 91.
- Selling without leave horse drilled or approved for any troop, £5 for each offence, s. 92.
- Unlawfully disposing of arms, &c., or refusing to deliver up when required, or having possession thereof except for lawful cause, £5 for each offence, s. 93.
- Not to prevent indictment for higher offence, *ib.*
- Offender about to leave the province may be arrested, *ib.*
- Volunteers refusing to aid the civil power when required, £5 for each offence, s. 94.
- Refusing to receive militiamen on billet, £2 for each offence, s. 95.
- Refusing to furnish carriages, horses, &c., £2 for each offence, s. 96.
- Or any railway car, or engine, boat, &c., £5 for each offence, s. 97.
- Other contraventions where no specific penalty imposed, £5 for each offence, s. 98.
- Not to prevent indictment, &c., *ib.*
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## MILITIA,

## PENALTIES.

Summary proceedings Acts to apply, *ib.*  
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 On whose complaint penalties may be sued for, s. 100.  
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Orders and notices need not be in writing if given in person, s. 103.  
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 Bonds entered into in pursuance of this Act, to be valid, s. 107.  
 Moneys payable to the crown, how recoverable, s. 108.  
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 Act to come into operation on 1st January, 1855, and continue in force *three* years, and until the end of the next session, s. 115.  
 Proviso for continuance of Act in case of war, *ib.*

## MILITIA PENSIONS.

## 53 G. 3 c. 4—1813.

Pensions to be paid to widows and children of officers, non commissioned officers and men killed in actual service.  
 Heretofore allowed still to be paid, s. 4.  
 How annuities to be paid, s. 5.

## 2 G. 4, c. 4—1821.

Certain descriptions of to cease with exceptions, s. 2.  
 When applications to be placed on pension list to be made, s. 3.  
 In what cases shall not be paid, when party has not presented himself for examination, s. 8.  
 If suspended for two years, all arrears to cease, and if party restored to list, pension only to be paid from restoration, *ib.*  
 Forms of affidavit and certificates to be made by pensioners, s. 15.  
 Who to be deemed militia men to receive, s. 19.  
 Certain persons not allowed to receive, s. 22.  
 Received for wounds to be £20 per annum, s. 21.  
 Not to be paid to persons receiving pension for the same elsewhere in H. M. dominions, s. 22.  
 Act to be in force for four years, s. 23.

## 2 G. 4, c. 5—1821.

Loan authorized for payment of militia pensions.

## 7 G. 4, c. 6—1826.

Act 2 G. 4, c. 4, continued for four years, with certain exceptions, s. 1.



**MILITIA PENSIONS,**

List of pensioners to be published periodically, s. 2.  
 Power to admit applications for in certain cases, s. 2.  
 To be paid by receiver general, s. 5.  
 Notice of payment, s. 6.

11 G. 4, c. 23—1831.

Act 7 G. 4, s. 6, continued for four years.

5 W. 4, c. 36—1835.

Act 7 G. 4, c. 6, continued for four years, s. 1.  
 Surgeons to be appointed for examination of certain petitioners for, and to give certificates, s. 2.  
 Pension to be £20 per annum, if granted, *ib.*

7 W. 4, c. 103—1837.

Three surgeons to be appointed in each district for the examination of certain petitioners for, s. 1.  
 Their names to be inscribed on pension list if favorably reported on, *ib.*

1 V. c. 44—1838.

Widows and children of militia men dying or being killed on actual service, or of disease contracted on service, entitled to, s. 1.

Pension to be paid by Receiver General, s. 2.  
 Proceedings to be taken to obtain in such case, s. 3.  
 Not to extend to persons provided for by other Acts, s. 4.  
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3 V. c. 27—1840.

Board to be appointed to examine certain claimants for, s. 1.  
 Persons on pension list to appear before board for examination, s. 2.

Widows receiving may be required to prove their right before the board, s. 3.  
 Evidence beyond oath of the widow may be required, s. 4.  
 Other cases in which board may report and stop pension, s. 5.

3 V. c. 28—1839.

Act 5 W. 4, c. 36 continued and made permanent.  
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**MILITIA PENSIONS,**

Granted to John Ryan and others, 1 V. c. 43.

**MILITARY ASYLUM, (Canada),**

Incorporated, s. 16 V. c. 115.

**MILL DAMS,**

9 G. 4, c. 4—1828.

Owners or occupiers to construct aprons to, s. 1.  
 Penalty for neglect £25 per annum, *ib.*  
 Mode of construction, s. 2.

4, 5 V. c. 26—1841.

Malicious destruction of, to be a misdemeanor, s. 15.

## MILL DAMS,

12 V. c. 87—1849.

Owners of to construct slides for saw logs, lumber and timber, s. 1.

Special provision for the river Otonabee, s. 2.

Penalty 10s. a day for neglect and how recoverable, &c., s. 3.

Time allowed for repair in case of damage, s. 4.

Saw logs and other timber may be floated down during the spring, summer, and autumn freshets, s. 5.

But dams not to be injured, if then be a proper apron, *ib.*

## MILLS,

32 G. 3, c. 7—1792.

To regulate toll to be taken at.

Toll to be one-twelfth only, s. 1.

Penalty £10 for taking greater toll, s. 2.

Owners of not chargeable for loss of bags of grain or flour unless such bags are properly marked, s. 3.

1 V. c. 18—1830.

Guards to be erected about machinery of, s. 1.

Justices of the peace to inspect, s. 3.

Penalty on owner or occupier for neglect, s. 4.

Justice may give certificate of sufficiency, its affect, s. 5.

13, 14 V. c. 75—1850.

Grantee of the crown not entitled to damages for injury to lands from dams erected before patent issued, in certain cases, s. 1.

Defendants may plead the general issue in such cases, s. 2.

## MILLER, P.,

Militia pension granted to, 2 G. 4, c. 24.

## MINERAL SPRINGS, (COMPANIES FOR WORKING.)

16 V. c. 172—1843.

Provisions of the 13, 14 V. c. 28, (for incorporation of manufacturing, &c., companies) extended to salt or mineral springs, s. 1.

*See* Manufacturing, &c., Companies.

## MINING COMPANIES, (GENERAL INCORPORATION OF)

*See* Manufacturing, &c., Companies.

## MINING COMPANIES, (PRIVATE ACTS,)

*See Supplement—and the several Companies by their Corporate Names.*

## MINORS,

*See* Apprentices—Infants—Guardians.

## MISDEMEANOR,

3 W. 4, c. 2—1833.

Duty of justices on persons being brought before them charged with, s. 3.

No traverse allowed as of right in cases of, *ib.* *See also*, 4, 5 V. c. 24—16 V. c. 179.

**MISDEMEANOR,**

6 W. 4, c. 44—1836.

Persons indicted for entitled to copy of indictment upon payment of charges, s. 2.

4, 5 V. c. 24—1841.

Duty of justices on charges of, s. 3.

No traverse allowed upon trial except on special cause shown, *ib.*

4, 5 V. c. 25—1841.

Abettors in misdemeanors under this act, how punishable, s. 53.

12 V. c. 10—1849.

Any wilful contravention of an Act of parliament to be misdemeanor unless made some other offence, s. 5, *art.* 15.

16 V. c. 179—1853.

One justice may bail for misdemeanor, s. 15.

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**MISNOMER,**

7 W. 4, c. 3—1837.

Plea of, not allowed in personal actions, but process amendable on summons, s. 8. *See also* Indictments.

**MIXED ACTIONS,**

4 W. 4, c. 1—1834.

Abolished, except dower and ejectment, s. 39.

**MODEL SCHOOL,**

*See* Common Schools. 13, 14 V. c. 48, s. 18, &c.,

**MOIRA RIVER AND TRIBUTARIES,**

Slides to mill-dams on, 11 V. c. 10.

**MOLSONS BANK,**

Incorporated, 18 V. c. 202.

**MONAGHAN TOWNSHIP,**

Allowance for road confirmed, 16 V. c. 228.

Act repealed by 18 V. c. 154.

**MONEY,**

4 W. 4, c. 1—1834.

Charged on land, when deemed satisfied, s. 43.

7 W. 4, c. 2—1837.

Subject to control of court of chancery, to be invested, *See also* Currency.

**MONTGOMERY, JOHN,**

Forfeited property restored, &c, 8 V. c. 106.

**MONTH,**

12 V. c. 10—1849.

To mean calendar month in any future Act, s. 5.

**MONTREAL AND BYTOWN RAILWAY COMPANY,**

Incorporated, 16 V. c. 103.  
Charter amended, 18 V. c. 189.

**MONTREAL FIRE, LIFE AND INLAND ASSURANCE CO.,**

Further powers to, name changed, &c., 6 V. c. 22.  
Charter amended, name changed to Montreal Assurance Company, 13, 14 V. c. 121.

**MONTREAL MINING COMPANY,**

Incorporated, 10, 11 V. c. 68.

**MONTREAL TELEGRAPH COMPANY,**

Incorporated, 10, 11 V. c. 83.  
Charter amended, 18 V. c. 207.

**MONUMENTS, (BOUNDARY,)**

12 V. c. 35—1849.

Pulling down, defacing, altering or removing, when placed under direction of commissioner of crown lands, to be felony, s. 29.

Any surveyor's land mark, post or monument, to be a misdemeanor, *ib.*

**MOODIE, COL. R.,**

Provision granted to his widow and children, 1 V. c. 47.

**MORAVIANS,**

*See* Menonists and Tunkers.

**MORGAN, CYPRIAN AND OTHERS,**

Naturalized, 7 V. c. 43.

**MORTGAGE OF REAL ESTATE,**

7 W. 4, c. 2—1837.

Authority of court of chancery in cases of, s. 11.

9 V. c. 10—1846.

Provision for in matters of lunacy, s. 9.

12 V. c. 73—1849.

Equity of redemption saleable under execution, s. 1.

Effect of seizure and sale, s. 2.

Rights of purchaser, *ib.*

Purchaser paying mortgage money entitled to certificate of satisfaction, *ib.* *See also* Registry laws.

**MORTGAGEE,**

9 V. c. 34—1846.

Certificate of, to operate as a release or reconveyance, s. 24.

12 V. c. 73—1849.

May purchase mortgaged premises provided his mortgage debt be released, s. 3.

14, 15 V. c. 7—1851.

Executors of, upon payment of money, may convey or release the legal estate, s. 8.

## MORTGAGEE,

14, 15 V. c. 45—1851.

May take a release of the equity, or purchase under powers of sale, without merger of debt, as against subsequent mortgagees, s. 1.

Subsequent mortgagee or judgment creditor not entitled to foreclose or sell without redeeming prior mortgage, s. 2.

Priority of mortgage, &c., not affected by this Act, s. 3.

In foreclosure by assignee of mortgagee, mortgage account may be proved *prima facie* by oath of assignee, s. 4.

16 V. c. 121—1851.

Mortgagees may made entry on bring action within twenty years from last payment on account of principal or interest.

18 V. c. 124—1855.

Title valid at law not to be disturbed on grounds arising before establishment of court of chancery, except in cases of actual fraud, s. 1.

18 V. c. 127—1855.

Judgment creditor not a necessary party to a bill of foreclosure unless judgment registered, s. 2.

## MORTGAGOR.

4 W. 4, c. 1—1834.

Not to be deemed tenant at will in certain cases, s. 19.

Barred at the end of twenty years in certain cases, s. 36.

12 V. c. 73—1849.

May recover from purchaser under this Act, of the mortgaged property, the amount of mortgage, if compelled to pay by mortgagee, s. 3.

Same to be a charge on the premises, *ib.*

## MORTGAGE OF PERSONALS,

*See Chattels,*

## MUNICIPAL CORPORATIONS,

12 V. c. 80—1849.

Former Acts mentioned in the Schedule repealed.

12 V. c. 81—1849. (*As amended by subsequent Acts.*)

To provide by one general law for the erection of municipal corporations.

## TOWNSHIPS.

Provisions specially relating to, s. 2 to 31. *See Townships and MISCELLANEOUS PROVISIONS, below.*

## COUNTIES.

Provisions relating specially to, s. 32 to 41. *See County Councils and MISCELLANEOUS PROVISIONS, below.*

## POLICE VILLAGES.

Provisions specially relating to, s. 42 to 51. *See Villages. Police and MISCELLANEOUS PROVISIONS, below.*

## MUNICIPAL CORPORATIONS,

## INCORPORATED VILLAGES.

Provisions specially relating to, s. 52 to 60. *See Villages, Incorporated, and MISCELLANEOUS PROVISIONS, below.*

## TOWNS.

Provisions specially relating to, s. 61 to 81. *See Towns, and MISCELLANEOUS PROVISIONS, below.*

## CITIES.

Provisions specially relating to, s. 82 to 107. *See Cities, and MISCELLANEOUS PROVISIONS, below.*

## MISCELLANEOUS PROVISIONS.

The warden, mayor, and town reeve to be the heads of their respective municipalities, s. 108.

Head of Municipalities, and deputy Town reeves, to be ~~ex~~ *officio* Justices of the Peace for their respective Counties, s. 22 of 16 V. c. 181 *substituted for* s. 109 of *this Act*, (12 V. c. 81.

Absence for three calendar months without leave, to be a vacancy of office, and how supplied, s. 110.

Any head of a Municipality may resign with consent, s. 111. Becoming bankrupt, or insolvent, or compounding with creditors, to vacate office, s. 112.

Vacancy, how filled up, in case of death, *ib.*

The head or chairman of corporation may administer oaths to parties accounting to it, s. 113.

Notwithstanding proclamation making a municipality one of a higher class, existing corporation to exercise powers for a certain time, s. 114.

Governor in Council may extend limits of a Town or Village and redivide into wards, s. 23 of 16 V. c. 181, *substituted for* s. 115 of *this Act*.

Municipal corporations not to grant exclusive rights to exercise trades or callings, s. 116.

Police magistrate when appointed to have the power of licensing taverns, &c., s. 117, *as amended by* 13, 14 V. c. 64. *But see* 13, 14 V. c. 65—16 V. c. 184.

Tavern-Keepers, keeping disorderly houses, punishable by Mayor, Police, Magistrate, &c., s. 118, *as amended by* 13, 14 V. c. 64.

Affirmation allowed instead of oath in certain cases, s. 119.

Collector's rolls, what to contain, s. 120, *as amended by* 14, 15 V. c. 109. *See also* Assessments.

Voters to be British subjects, and of full age, s. 121.

Voter's oath; persons appearing qualified, by assessment roll, may vote on taking it, s. 122.

False swearing to be perjury, s. 123.

Returning officer to administer oath, s. 124.

Heads of corporations, aldermen, and justices, and village clerk, authorized to administer oaths relating to business of their Municipalities, s. 125.

To be filed by party administering, within eight days, on pain of misdemeanor, *ib.*

Oaths may be administered by heads of corporations, to witnesses in matters relating to roads, boundaries, &c., s. 126.

## MUNICIPAL CORPORATIONS,

Municipal officers, constables, &c., to take an oath of office, s. 127, *as amended by* 13, 14 V. c. 64.

Form of such oath, *ib.*

Heads of corporation how to be sworn, s. 24 of 16 V. c. 181, *substituted for* s. 128 of *this Act*.

Oath of qualification, s. 129, *as amended by* 13, 14 V. c. 64.

Refusal to take office within *twenty* days : or to administer oath—penalty for, not more than £20, nor less than £2, s. 130.

Persons serving the year previous exempt, *ib.*

Other exemptions, s. 131.

Disqualifications for the office of Alderman or Councillor, s. 25 of 16 V. c. 181, *substituted for* s. 132 of *this Act*.

Qualification and disqualifications for the office of Assessor, s. 133.

The same assessor may be appointed for more than one ward, s. 134.

Justices of the peace for any town, to be qualified as required elsewhere; exception as to heads of Municipalities, s. 26 of 16 V. c. 181, *substituted for* s. 135 of *this Act*.

Appointment of coroners for Cities and Towns, s. 136.

Municipal functionaries to be health officers, s. 137.

Markets and market-places, &c. to be vested in the corporation, s. 138.

Corporation of Cities or Towns authorized to purchase property for industrial farms, s. 139.

Offenders may be committed to hard labour at, s. 140.

Municipal Corporation may purchase property for cemeteries, s. 141.

As to powder magazines, s. 142.

Appointment of auditors and their oath, s. 143.

Auditor's duties, s. 144, *as amended by* 14, 15 V. c. 109.

Power of Governor in council respecting ferries not placed by this Act under control of Municipal Corporation, s. 145.

Proceedings with respect to contested municipal elections, ss. 27 and 28 of 16 V. c. 181, *substituted for* ss. 146, 147 of *this Act*.

Service of summons on party avoiding personal service, s. 148.

Provision in case of two or more writs to try the validity of any election, s. 149.

Judge may order production of collector's roll, Poll Books, &c., s. 29 of 16 V. c. 181, *substituted for* s. 150 of *this Act*.

No mandamus, or writ of execution to issue until *four* days in term after judgment, s. 151.

Preliminary judgment examinable in term on application within *four* days, s. 152.

Regulation of proceedings by the Judges respecting contested elections, s. 153, *as amended by* 13, 14 V. c. 64, 1850.

Provision for appointment of returning officer at elections, in case of absence, &c., of proper officers, s. 154, *as amended by* 14, 15 V. c. 109.

Proceedings on application to quash any by-law, s. 155, *as amended by* 13, 14 V. c. 64, and 14, 15 V. c. 109.

## MUNICIPAL CORPORATIONS,

- Existing by-laws to remain in force until repealed, s. 156.  
Returning officers at the elections to be conservators of the peace, and their powers, s. 157, *as amended* by 13, 14 V. c. 64.  
Penalty £5 on special constables refusing to be sworn, s. 158.  
Commencement and duration of election, s. 159.  
Poll-book to be kept by returning officer, s. 160.  
Returning officer to declare candidates elected, *ib.*  
To have a casting vote in case of ties, *ib.*  
Otherwise, not to vote, *ib.*  
Poll-book to be verified and returned to clerk of Municipality, s. 161.  
Provision for new elections, in case of refusal to serve, s. 162, *as amended* by 13, 14 V. c. 64.  
Council may nevertheless proceed to business, *ib.*  
Vacancies, how to be filled up, s. 163, *as amended* by 13, 14 V. c. 64.  
Four days' notice to be given of special election, s. 164.  
Provision for appointment of Aldermen and Concoillors in case of no election made at the time appointed, s. 165, *as amended* by 13, 14 V. c. 64.  
In case of death or removal of the head of the Corporation, s. 166, *as amended* by 14, 15 V. c. 109.  
Term of office, s. 167.  
Quorum for dispatch of business, majority, casting vote, &c., s. 30, of 16 V. c. 181, *substituted for* s. 168 of *this Act*.  
Municipal corporations to appoint their clerks and fix salaries, s. 169.  
Clerk to keep record of proceedings, s. 170.  
Appointment of treasurer and chamberlain, s. 171.  
Their duties s. 172, *as amended* by 13, 14 V. c. 64,  
Duration of office of clerk, treasurer and chamberlain, s. 173.  
Provision as to books, papers and moneys, &c., s. 174.  
As to embezzlement, *ib.*  
As to former debts, liabilities and suits of the Corporations for which those under this Acts are substituted, s. 175.  
Provision for payment of debts, &c., and as to by-laws for borrowing money or creating debts, ss. 176, 177. *The latter sect., as amended* by 14, 15 V. c. 109. *See also* 14, 15 V. c. 124, 18 V. c. 133, and Municipal Loan Fund.  
Officers refusing to carry such by-laws into effect, to be guilty of misdemeanor, s. 178.  
Such By-laws not to be repealed until the debts contracted under them are paid, *ib.*  
Provision in case of execution against corporation, s. 179.  
Annual accounts to be submitted to Governor General on or before 31st January, s. 180.  
Commission of inquiry into financial affairs of municipalities, s. 181.  
Provision for debts contracted previous to 1st January, 1849, s. 182. *See also* 14, 15 V. c. 109, s. 3.  
Corporation notes or debentures to be gradually liquidated by those substituted for them, *ib.*  
Municipal corporations not to act as bankers, nor issue any bond or debenture less than £25, s. 183.



## MUNICIPAL CORPORATIONS,

Any person making or issuing such, to be guilty of misdemeanor, s. 184.

As to prosecution for offences against under By-Laws not otherwise provided for, s. 31 of 16 V. c. 181, *substituted for s. 185, of this Act.*

Officers of corporations may be witnesses, s. 186.

Provision respecting road allowances, s. 187, *as amended by 13, 14 V. c. 64.*

Site of an old road how to be disposed of, when the place of the road is altered by by-law, such site not being a road allowance, s. 32, of 16 V. c. 181, *substituted for s. 181, of this Act.*

No road hereafter to be more than 90 feet wide nor less than 40 feet wide, s. 189.

All powers, &c. vested in magistrates in quarter sessions ; with respect to highways, roads or bridges to be vested in municipal corporations, s. 190.

Corporations authorized to contract for planking, &c. any road and leasing the tolls in payment for not more than twenty-one years, s. 191, *as amended by 14, 15 V. c. 109.*

Provision respecting road alterations under By-Laws, s. 192, *as amended by 13, 14 V. c. 64.*

Exceptions as to property belonging to the ordnance department, ss. 193, 194.

Arbitrators to be appointed to determine compensation in case of road passing through private property opened under By-Laws ; s. 33 of 16 V. c. 181, *substituted for s. 195, of this Act.*

Tender of amends in case of action, s. 196.

Damages to be apportioned taking into consideration the benefit, s. 197.

By-laws, &c. to be authenticated by corporate seal, s. 198.

Custody of original by-laws, s. 199.

Meetings of Corporations to be open, *ib.*

Provision as to payment by Cities for use of county gaols, &c., s. 200.

Villages, towns, &c. in schedule A.—limits assigned to, s. 201.

Special provision as to towns in schedule D., s. 202.

Provision for the incorporation of certain towns in schedule D. first division, s. 203.

Provision as to other towns in same schedule (second division), which remain part of the Townships in which they lie, s. 34 of 16 V. c. 181, *substituted for s. 204 of this Act.*

Provision as to division of certain towns in same schedule into wards, s. 205.

Existing Corporations of Districts, &c., to remain until fourth monday in January, 1850, s. 206.

Incorporation of village, &c. or of town as a city, when to take effect after proclamation, s. 207.

Sec. 208 (property qualification,) *is repealed by 14, 15 V. c. 109, s. 33.*

Inconsistent Acts, &c., repealed, s. 209.

Interpretation clause, s. 210.

## MUNICIPAL CORPORATIONS,

Schedules A. (Villages)—B., (Towns)—C., (Cities)., *See those Titles.* Schedule D. *was omitted by a clerical error.*

13, 14 V. c. 64—1850.

Certain words in schedule A substituted for certain others in divers sections of 12 V. c. 81, s. 1.

Parts of schedule B repealed, and new provisions substituted, and certain things already done and elections had confirmed, s. 2 *See Towns.*

The omitted schedule D supplied, and provision for doing certain things which ought to have been done in 1849, s. 3.

Governor authorized to issue proclamation for organization of municipality in any town in first division of schedule D, s. 4.

Doubts removed as to elections in Belleville, Bytown, Richmond and Peterborough, s. 5.

As to property qualification of councillors, &c., elected in January, 1850, s. 6.

Certain powers as to surveys under 12 V. c. 35, transferred to township municipalities, s. 7.

New provision as to unions of townships, s. 8.

In what cases, and for what purposes, towns and cities not to form part of counties, s. 9.

Incorporated villages to form part of counties, *ib.*

Lock up houses may be established by county councils subject to certain provisions, s. 10.

Parties summarily convicted under the petty trespass Act 4 W. 4, c. 4, 1834, may be committed to a lock up house instead of the common gaol, *ib.*

Provisional municipal councils may borrow money and contract debts for certain purposes, s. 11. *See below.*

Municipal council substituted for provisional, after dissolution of union : officers to continue until then next election, s. 12.

To be liable for debts, &c., s. 13.

Certain provisional by-laws creating debts, not to be repealed, s. 14.

Proviso in case of equality of votes for mayor, &c., s. 15, *as amended* by 14, 15 V. c. 109.

First meeting of provisional council to be appointed by proclamation, s. 16, *as amended by* 14, 15 V. c. 109.

Schedule of amendments to 12 V. c. 81 ;—*for which see the several sections of that Act amended.*

14, 15 V. c. 109—1851.

The 11 s. of 13 and 14 V. c. 67, 1851, not to affect by-laws for creating or contracting debts or loans, referred to in the 177 sec. of the 12 V. c. 81, s. 1.

Corporations (in consequence of change in assessment laws) authorized to make a new rate, s. 2.

Time limited by s. 182 of 12 V. c. 81, for passing by-laws for paying certain debts, extended, s. 3.

Particulars to be set forth in by-law for debt or loan upon the credit of the Municipality, s. 4.

Such by-law may direct how surplus of income from public works shall be applied, s. 5.

## MUNICIPAL CORPORATIONS,

- May apply municipal funds in payment, s. 6.
- Separate books to be kept for special rate and sinking fund, s. 7.
- Appropriation of surplus revenue from special rate, ss. 8, 9.
- A reduced rate may be substituted for original special rate in certain cases, s. 10.
- Anticipatory appropriations towards the interest and sinking fund may be made in lieu of special rate for subsequent year, ss. 11, 12, 13 .
- By-law for creating a debt may be repealed before any debt is contracted under it, s. 14.
- Or with respect to any residue, *ib.*
- No by-law for creating any debt, &c., to be passed but at a special meeting convened three calendar months after publication of by-law and notice, s. 16.
- Qualification of municipal officers dispensed with in certain cases where a sufficient number of qualified persons cannot be found, s. 17.
- Liabilities of senior county in case of dissolution of union, s. 18.
- Liability of junior county after dissolution and of the senior county toward the junior, s. 19.
- Original special rates to be levied in junior county notwithstanding dissolution, s. 20.
- Senior counties authorized to make anticipatory appropriations, &c., *ib.*
- Junior county entitled to recover a certain amount from senior county, *ib.*
- Provision for agreement or arbitration upon erection of any town into a city and consequent separation from the county, s. 21.
- Liabilities in such case, s. 22.
- By-laws of senior to remain in force in junior county until repealed, s. 23.
- Similar provision with respect to towns erected into cities, s. 24.
- Re-division of city into wards, how obtained, s. 25.
- Time extended for passing by-laws for dissolution of union of townships, &c., s. 26.
- Recorders of cities may be required to preside over division courts in, s. 27.
- In case of recorder's absence, &c., county judge to preside, or recorder may appoint a deputy, s. 29.
- Manner of appointment, s. 30.
- Governor may annul such appointment, s. 31.
- Remuneration to recorder for such services, s. 32.
- The 8 V. c. 57, and 208th section of the 12 V. c. 81, as amended, and the 17th section of 13, 14 V. c. 64, repealed, s. 33.
- The abolition by township municipalities of any division into wards confirmed, s. 34.
- Responsibility of municipality when by-law quashed, s. 35.
- Certain words and phrases of the 12 V. c. 81, 1849, as amended and contained in schedule A repealed: and other words substituted, s. 36. *See also sections amended in that Act.*

## MUNICIPAL CORPORATIONS,

Short titles of municipal Acts, s. 37.

16 V. c. 181—1853.

Certain sections of the municipal Acts 12 V. c. 81, as amended by the 13, 14 V. c. 64, and 14, 15 V. c. 109, repealed, s. 1.

Provisions specially affecting—

Townships, ss. 2 to 11. *See* Townships—Counties, ss. 12 to 14. *See* County Councils,—Towns and Cities, ss. 15 to 21. *See* Towns—Cities.

## MISCELLANEOUS PROVISIONS.

Section substituted for repealed sec. 109 of 12 V. c. 81, s. 22.

Heads of corporations, town reeves and deputy town reeves, to be *ex officio* justices of the peace, *ib.*

Section substituted for repealed sec. 128 of the said Act s. 24.

Before whom heads of corporation to be sworn, *ib.*

Section substituted for the repealed sec. 132, s. 25.

Who disqualified as aldermen or councillors, *ib.*

Section substituted for repealed sec. 135, s. 26.

Justices of the peace for towns to be qualified as other justices; but no warden, mayor, recorder, police magistrate, alderman or other municipal officer required to possess any property qualification as justices, nor to take any oath, except oath of office, *ib.*

Section substituted for repealed sec. 146, s. 27.

Provision for the trial of municipal elections by one of Superior Courts of Common Law at Toronto, *ib.*

If adjudged invalid, the sheriff to hold a new election, *ib.*

No costs to be allowed in case of disclaimer, *ib.*

Disclaimer to be sent to the corporation, *ib.*

Time allowed for the corporation, or any voter to defend election, *ib.*

Section substituted for repealed sec. 147, s. 28.

The writ and judgment of the court to be filed of record and judgment enforced by *mandamus*, &c., *ib.*

Section substituted for repealed section 150, s. 29.

The judge may cause the poll-books, rolls, &c. to be brought before him, *ib.*

Mode of taking evidence, *ib.*

Issues may be framed and tried by a jury, *ib.*

Section, substituted for repealed section 168, s. 30.

A majority of the whole corporation to form a quorum, *ib.*

In case of absence of the proper officer, a chairman to be appointed, *ib.*

Such chairman to have a casting vote, *ib.*

The concurrent votes of at least three members necessary where the whole number of the corporation shall be five: and the person presiding may vote when any of the five are absent, but shall not then have a casting vote, *ib.*

Section, substituted for repealed section 185, s. 31.

As to prosecutions under by-laws, *ib.*

Application of penalties, *ib.*

Section, substituted for repealed section 188, s. 32.

## MUNICIPAL CORPORATIONS,

- Provision as to the disposal of the site of the old road, when road altered by by-law, *ib.*
- As to persons having given lands for roads, *ib.*
- Section, substituted for repealed section 195, s. 33.
- As to compensation for new thoroughfare, *ib.*
- Amount to be settled by arbitration, *ib.*
- Award, subject to the superior courts, *ib.*
- Section, substituted for repealed section 204, s. 34.
- As to the incorporation of towns mentioned in the second division of schedule D, *ib.* *See also* Towns.
- Municipalities authorized to open sewers or drains, needful for health, through private lands, s. 35.
- Compensation to be paid to the owner, *ib.*
- Amount settled by arbitration, *ib.*
- Award subject to the superior courts, *ib.*
- What description of damages shall be covered by such award, *ib.*
- Damage not covered by the award, may be otherwise recovered, *ib.*
- By-law affecting such property may be repealed after verdict and costs tendered, *ib.*
- Jury to determine the amount of damages, *ib.*
- Corporations, tenants in tail, trustees, &c., authorized to convey property required for Municipal purposes, s. 36.
- In case of no person qualified to convey, judge of the county court may appoint one, *ib.*
- Conveyances, &c., to be valid, *ib.*
- Proviso for payment of interest only when the party has not the absolute estate, *ib.*
- Municipalities not bound to see to trusts, *ib.*
- Purchase money and damages to be subject to charges on the land, *ib.*
- Rate-payers entitled to be heard before the council against proposed by-law in certain cases, s. 37.
- Members may resign with consent of the majority of the corporation, s. 38.
- None of the provisions of the fourth or sixteenth sections of the 14, 15 V. c. 109, to affect any by-law passed under the 14, 15 V. c. 124, or securities under it, s. 39.
- Interpretation clause, s. 40.
- 14, 15 V. c. 57—1851.
- Municipalities may purchase certain public works beyond their local limits, s. 1. *Remainder of Act repealed by* 16 V. c. 190.
- 14, 15 V. c. 124—1851.
- Municipalities authorized to contract debts for the purchase of public works from Government, without imposing a special rate under s. 177 of 12 V. c. 81, s. 1.
- And to pass by-law for payment, s. 2.
- 16 V. c. 190—1853.
- Municipalities may acquire stock in road companies formed under this Act, s. 23.
- Or to loan money to such companies and issue debentures, s. 24. *See also* 18 V. c. 139, *declaring the said sec. 23 and*

## MUNICIPAL CORPORATIONS,

*24 to apply to all road companies, and confirming subscriptions for stock already made by municipalities.*

Or to purchase the stock and rights of such companies, s. 25.

Or to sell roads, &c., to such companies, s. 26.

Such companies to report annually to the municipalities within which their roads lie, s. 56.

At the end of 21 years, the municipalities may take the whole stock of the company at a valuation, s. 57. *See Roads, &c., Companies for constructing:—and see also, Railways, as regards subscriptions, &c., by municipalities to railways generally, and the special railway Acts as to subscription, &c., to the particular railways to which they relate:—Telegraphs—Gas and Water, &c.*

*See also.—the several matters to which the powers, &c., of the municipalities relate.*

18 V. c. 133—1855.

Provisions of the 2nd section of the 16 V. c. 22, (Municipal Loan Fund Act,) as to the consent of the majority of the municipal electors, to apply to every by-law for raising money, s. 1.

No such by-law to have effect until such approval obtained, *ib.*

But consent of Governor in Council not requisite to its validity, *ib.*

## MUNICIPAL LOAN FUND (CONSOLIDATED),

16 V. c. 22—1852.

Fund established, s. 1.

To be under the management of receiver general, s. 2.

Municipalities may by by-law raise money on the credit of such fund for certain purposes, *ib.*

By-laws to contain certain provisions, *ib.*, art. 2, 3.

To be published before passing, with notice of meeting, for approval. &c., *ib.*, art. 4.

Proceedings at such meeting, *ib.*, art. 5.

Poll may be demanded by six electors, *ib.*, art. 6.

May be adjourned, *ib.*, art. 7.

Close of the poll, *ib.*, art. 8.

In case of a county by-law, poll to be held in each municipality, and how, *ib.*, art. 9.

If by-law disapproved, council not to proceed therewith, *ib.*, art. 10.

If approved, then to be submitted for approval of the Governor in council, *ib.*

Information to be furnished in such cases, *ib.*, art. 11.

Governor may require further information, s. 3.

Upon the by-law being approved, receiver general may issue debentures, *ib.*, art. 1.

Debentures may be made payable in or out of the province, and in currency or sterling, *ib.*, art. 2.

To express on the face thereof out of what fund only they are payable, *ib.*, art. 3.

To be payable according to by-law, *ib.*, art. 4.

Rate of interest not to exceed six per cent., *ib.*, art. 5.

To be for even sums, and not for less than £25, *ib.*, art. 6.

## MUNICIPAL LOAN FUND, (CONSOLIDATED),

To contain conditions upon which they may be called in for payment, *ib.*, *art.* 7.

Debentures to be numbered, *ib.*, *art.* 8.

May be exchanged for others if required, *ib.*, *art.* 9.

To be deemed government debentures within the meaning of the Act to establish the freedom of banking, &c., *ib.*, *art.* 10.

Advances may be made to the fund from the Upper Canada building fund, 13, 14 V. c. 68, (1850,) s. 4.

Account to be kept by receiver general with the municipality, s. 5.

Annual payments to be made by municipality at the rate of eight per cent, and such further sum as may be payable on account of the principal, *ib.*, *art.* 1.

In case of debentures remaining on hand with the treasurer of the municipality, coupons for interest may be taken by receiver general as money in such payments, *ib.*, *art.* 2.

Sinking Fund, and what it shall consist of, *ib.*, *art.* 3.

Certain payments may be made out of it, *ib.*, *art.* 4.

Securities forming part of it may be sold, *ib.*, *art.* 5.

Monies to be levied by the municipality to meet the payments, s. 6.

Surplus to be applicable to next years payments, *ib.*, *art.* 1.

In case of deficiency a new assessment to be made, *ib.*

Profits from the works to be paid to receiver general and credited, *ib.*, *art.* 2.

Proceedings for levying by rate in case funds in treasurer's hands deficient, *ib.*, *art.* 3.

Interest to be charged against municipality in default, *ib.*, *art.* 4.

Monies to be collected as other taxes, *ib.*, *art.* 5.

In case amount unpaid for three months, governor may issue his warrant to the sheriff to levy same by rate, s. 7.

After loan obtained, municipality not to contract any further debt without consent of the governor in council until such loan is paid, s. 8.

This Act to extend to loans authorized by municipality for aiding railways, &c., s. 9. *See below.*

Interpretation clause, s. 10.

## 16 V. c. 123—1853.

Section 9 of former Act to apply to by-laws then passed, or being passed, s. 1.

Copy to be sent to receiver-general, s. 2.

If approved by Governor in council, certain rates need not be imposed or levied, s. 3.

Debentures issued under such by-law, to be deposited with receiver-general before new ones issue, s. 4.

By-law not to be affected by informality after approval by Governor in council, s. 5.

Act not to apply to loans negotiated before its passing, s. 6.

Act 16 V. c. 22, to extend to loans for erecting gas and waterworks, or making plank or macadamized roads, s. 7.

## 18 V. c. 13—1854.

Act 16 V. c. 22, extended to Lower Canada, s. 1.

**MUNICIPAL LOAN FUND (CONSOLIDATED),**

Consolidated fund provided for each section of the province,  
not to exceed £1,500,000 sterling for each section, s. 2.

Municipalities not to pass by-laws for loans under this Act,  
exceeding 20 per cent on aggregate valuation of property,  
*ib.*

Form of debentures, s. 3.

Acts extended to loans for gas or waterworks, drainage, &c.  
by municipalities, s. 4.

To apply to certain loans authorized by by-laws before this  
Act, on certain conditions, s. 5.

**MUNICIPAL DEBENTURES,**

18 V. c. 80—1855.

To facilitate negotiation of.

Debentures payable to bearer transferable by delivery, s. 1.

Debentures payable to any person, or to order, to be trans-  
ferable by general endorsement and delivery, s. 2.

What it shall be sufficient to allege and prove in a suit upon  
a debenture, s. 3.

Debentures not impeachable in the hands of *bona fide* holder  
for value, without notice, s. 4.

**MUNICIPAL REVENUE RETURNS,**

16 V. c. 163—1853.

Clerks of municipalities of townships, villages and towns to  
make annual returns to the clerk of the county as per  
schedule, s. 1.

County clerks to make annual returns to provincial secre-  
tary, s. 2.

Clerks of cities to make such returns to provincial secretary,  
s. 3.

Annual account to be rendered to the provincial secretary  
of the Upper Canada Fee Fund, s. 4.

Annual returns to be made respecting the Jesuits' estates,  
and common and grammar school funds, s. 5.

Penalty for neglect, s. 6.

Copies of returns to be laid before parliament, s. 7.

*See Supplement, for other Titles referring to provisions affect-  
ing Municipalities.*

**MURDER,**

3 W. 4, c. 3—1833.

Punishment for, s. 2.

Rescuing persons convicted of, or committed for, how punish-  
able, s. 4.

Persons convicted of, to be dissected, s. 20.

When sentence to be passed, and terms of, s. 21.

Person sentenced for, may be respited, s. 22.

Person sentenced, treatment of, after sentence, s. 23.

*But see also 4, 5 V. c. 27, ss. 3, 4, 5, &c.,—and Malicious  
Injuries to the Person.*

**MUTE,**

3 W. 4, c. 3—1833.

Standing mute, effect of in trials for felony, s. 17. *See also*  
4, 5 V. c. 25, s. 15.



## 260 MUTUAL INSURANCE COMPANIES

### MUTUAL INSURANCE COMPANIES,

6 W. 4, c. 18—1836.

Mutual insurance companies may be established in each *district* (county.)

The freeholders of each district to call meeting to establish, s. 1.

Subscription book to be opened, s. 2.

Limitation of lands, &c., to be held by the company, s. 3.

Company to be called "The United Fire Insurance Company" of the *district* where established, s. 4.

One company only to be formed in each district, s. 5. *But see* 4, 5 V. c. c. 64, s. 1—and 18 V. c. 120.

Insurer to be a member of the company during his policy, s. 6.

How affairs of the company to be managed, s. 7.

Number of votes in proportion to shares, s. 8.

Corporations not to be dissolved by non-election of directors on day specified, s. 9.

Powers and duties of directors and authority to make by-laws, ss. 10, 11.

Sect. 12 (as to deposit of promissory note) *is repealed* by 16 V. c. 192, s. 2.

Liability of members to pay their proportion of losses, s. 13.

How party insured to proceed in case of loss by fire, s. 14.

Directors to settle the amount to be paid by members on loss, s. 15.

In default of payment, whole amount of note may be sued for, *ib.*

Provision for payment of losses exceeding amount of premium notes, s. 16. *See* 18 V. c. 120.

Insurance not to exceed seven years, s. 17.

Policies to be void in certain cases, *ib.*

Losses to be paid within three months, s. 18.

Policy void by assignment unless recognised by directors, s. 19.

Alteration of premises after insurance, effect of, s. 20.

Directors may retain note on leased lands until expiration of lease, s. 21.

Policy void if insurance made in any other company without consent of directors, s. 22.

First meeting of company, s. 23.

Directors to give bonds to *district treasurer*, and proceedings thereon, s. 24.

Treasurer and secretary to give bonds, s. 25.

Reservation of power to amend this Act if the public interest should require it, s. 26.

4, 5 V. c. 64—1841.

Company authorized to insure in other *districts*, s. 1.

Sect. 2 (restrictions in regard thereto) *is repealed* by 12 V. c. 86.

Where amount insured exceeds £100,000, eleven directors to be elected; quorum in such case, s. 3.

Deposit notes may be made payable to officers of the company, or other persons, and indorsed to the company, s. 4.

## MUTUAL INSURANCE COMPANIES,

12 V. c. 86—1849.

Sec. 2 of the 4, 5 V. c. 64, repealed, s. 1.

A justice of the peace may examine parties on oath as to losses by fire, s. 2.

Members of company competent witnesses, if not parties, s. 3.

16 V. c. 192—1853.

Directors authorized to issue debentures for loans for payment of losses, s. 1.

Debentures not to exceed one fourth part of unpaid premium notes, *ib.*Nor to be payable at a longer date than twelve months, *ib.*Nor for a less sum than £25 each, *ib.*

Sec. 12 of the 6 W. 4, c. 18 repealed, s. 2.

Deposit notes to be given for such amount as the directors shall determine, s. 3.

Part payable immediately, and the remainder when, *ib.*

18 V. c. 120—1855.

So much of the 5th sec. of the 6 W. 4, c. 18, as prohibits more than one company in each district, repealed, s. 1.

Ten freeholders in any town or village authorized to call a meeting for establishing therein a fire insurance company, s. 2.

If not less than thirty freeholders present, majority may elect three persons to open a subscription book, s. 3.

Forty duly qualified subscribers for insurance amounting to £10,000 or upwards declared to be a body corporate, with full powers for effecting insurance, &amp;c., s. 4.

Provision for first election of directors, &amp;c., s. 5.

Mutual insurance companies authorised to separate their business into two branches, viz., for insurance of isolated buildings not hazardous--and buildings hazardous, &amp;c., s. 6.

Scale of risks of each branch to be made and separate accounts kept, s. 7.

Liability of insurers, s. 8.

Members not to be liable beyond the amount of their premium notes, s. 9.

Mutual insurance companies under this Act to be subject to the provisions of the 6 W. 4, c. 18, as amended, by other Acts, s. 10.

## N A P

## NAPANEE AND KINGSTON ROAD,

*See* Kingston and Napanee.

## NATURALIZATION,

*See* Aliens.

## NATURALIZATION (PRIVATE ACTS FOR),

*See the Names of the several Parties Naturalized—and Supplement.*

## NAVIGABLE WATERS,

2 W. 4, c. 2—1831.

To be taken to be parcels of the several districts to which they are opposite, s. 1.

Crime committed upon, may be tried in adjacent district, s. 2.

*See also, 14, 15 V. c. 5, s. 11, as to the limits of townships (and consequently of the counties including them) bounded on lakes and rivers.*

## NAVIGATION, INLAND,

4 G. 4, c. 6—1824.

Ordinance of Quebec, 28 G. 3, c. 3, repealed.

7 W. 4, c. 22—1837.

Steamboats, vessels and rafts required to carry a light at night, s. 1.

Night to be construed to extend from one hour after sunset to one hour before sunrise, s. 2.

Steamboats or vessels carrying passengers to be provided with a proper gangboard, &c., s. 3.

Vessels to take the starboard side of channel, s. 4.

Vessels on the starboard tack to keep the wind, *ib.*

Vessels passing ahead of another, or of a raft, not to approach nearer in passing than twenty yards, s. 5.

Vessels, &c. at anchor in the night to shew a light, s. 6.

Persons offending liable to a penalty of £5, s. 7.

Owners of vessels, &c. liable for damages arising from a non compliance with the provisions of this Act, s. 8.

14, 15 V. c. 126—1851.

What lights steamers and other vessels shall carry and how placed, &c., s. 1.

How steamers and vessels shall pass each other, *ib.*

To have foghorns or bells, and sound them in fogs, s. 2.

Liability of masters and owners for contravention, s. 11.

Recovery of penalties, s. 12.

*See also Steamboats.*

## NAVIGATION AND SHIPPING,

*See Customs—Emigrants and Quarantine—Navigation Inland—Lights—Merchant Shipping—Passengers—Registration—Steamers—Steamboats—Tolls—Tonnage Dues—Vessels, and Supplement.*

## NEEPIGON MINING COMPANY,

Incorporated, 12 V. c. 163.

## NELLIS, E.,

Naturalized, 3 V. c. 75.

## NEWCASTLE DISTRICT,

To provide for administration of justice in, 42 G. 3, c. 2.

For sale of site of old gaol and court-house in, 6 W. 4, c. 23.

## NEWSPAPERS,

18 V. c. 79—1855.

Published in the province to pass free by post, s. 1.

**NEW YORK CURRENCY,**

2. G 4, c. 13—1821.

No interest or costs allowed on instruments payable in, s. 1.  
Books of account kept in, not evidence, s. 2. *But see also*  
Currency, as to *what are now legal denominations of money*.

**NEW YORK, NEWFOUNDLAND AND LONDON TELE-  
GRAPH COMPANY,**

Privileges granted to, 18 V. c. 209.

**NIAGARA DISTRICT,**

Townships of Rainham and Walpole annexed to, 7 G. 4  
c. 13.

Raising money for relief of, from debt, 9 V. c. 50.

**NIAGARA AND GORE DISTRICTS,**

Boundary between, 7 V. c. 40.

**NIAGARA, COURT-HOUSE AT,**

Courts to be holden in, 10, 11 V. c. 55.

**NIAGARA (DISTRICT),**

For relief of persons holding lands, &c., in, from inconvenience resulting from loss of deeds, &c., during the war,  
56 G. 3, c. 16 ; 3 W. 4, c. 14.

**NIAGARA (TOWN),**

Limits extended, 56 G. 3, c. 14.

Market reserve ; the rights of lessors and assigners, under 2 V.  
c. 46, *are saved from the repeal of the Act*, 12 V. c. 80.

**NIAGARA (TOWNSHIP),**

To ascertain north boundary of, and establish a public highway contiguous thereto, 2 W. 4, c. 19.

Part of original survey confirmed, 18 V. c. 156.

**NIAGARA CANAL COMPANY,**

Incorporated, 10 G. 4, c. 9, s. 8.

Charter amended, 2 W. 4, c. 12 ; and again, by 4 W. 4,  
c. 22.

**NIAGARA DISTRICT BANK,**

Incorporated, 18 V. c. 204.

**NIAGARA FALLS SUSPENSION BRIDGE COMPANY,**

Incorporated, 9 V. c. 112.

Charter amended, 12 V. c. 161 ; 16 V. c. 110.

Capital increased, 18 V. c. 37.

**NIAGARA RIVER SUSPENSION BRIDGE COMPANY,**

Incorporated, 6 W. 4, c. 12.

Expired by *non-user* ?

**NIAGARA HARBOUR AND DOCK COMPANY,**

Incorporated, 1 W. 4, c. 12.

Charter amended, 14, 15 V. c. 153.

Further amended, 16 V. c. 70 ; 16 V. c. 145.

**NIAGARA AND TEN-MILE CREEK PLANK ROAD CO.,**

Incorporated, 8 V. c. 88.

**NISI PRIUS,***See Assize and Nisi Prius.***NOLLE PROSEQUI,**

7 W. 4, c. 3—1837.

Defendants entitled to costs after, unless judge certify, s. 24.

Costs where it is entered as to part of declaration, s. 25.

**NON-JOINDER,**

7 W. 4, c. 3—1837.

Plea in abatement for, to state party's residence, and be verified by affidavit, s. 6.

**NON-RESIDENTS (ASSESSMENTS ON).**

16 V. c. 182—1853.

Notice of assessment to be sent to by post, s. 23.

To pay 2s. 6d. for each days statute labour, s. 38.

A separate roll to be made for, s. 40.

Ten per cent yearly to be added to arrears, s. 53.

Distress to be made (if any) on lands for arrears, s. 54.

Taxes in arrear five years to be levied by warrant to the sheriff, s. 55.

List of lands and arrears to be published three months, s. 57.

Lands, how to be sold by the sheriff, s. 59.

Owner may redeem within one year on payment to county treasurer of the sum paid by purchaser with *ten* per cent thereon, s. 64.

If not redeemed, sheriff to deliver purchasers deed, s. 65.

*See also, Assessments.***NON-RESIDENT LAND FUND.**

16 V. c. 182—1853.

Established in each county, s. 68.

Debentures may be issued by municipal council on credit of said fund, s. 70.

Surplus of fund to be appropriated amongst the municipalities, s. 72.

Annual statement to be submitted by treasurer to the county council, s. 74.

*See also, Assessments.***NORMAL SCHOOL.**

12 V. c. 83—1849.

The normal school now in operation at Toronto to be the normal school for Upper Canada until otherwise provided, s. 74.

*The whole of this Act has been repealed by the 13, 14 V. c. 48, except as to things done, school divisions, &c.*

13, 14 V. c. 48—1850.

Chief superintendent to take the general superintendence of, s. 34, art. 7.

**NORMAL SCHOOL,**

Council of public instruction to adopt all needful measures for its permanent establishment and efficiency, s. 38, *art.* 2, 3.

And account annually through chief superintendent for receipts and expenditure, *ib.*, *art.* 6.

A sum not exceeding £1500 per annum allowed out of legislative school grant for salaries of officers and expenses, s. 39.

£1000 per annum allowed out of said grant for teachers in training, *ib.*

*See also*, Common Schools.

**NORTHUMBERLAND, COUNTY OF,**

10 G. 4, c. 8—1829.

Acts of registrar of, confirmed notwithstanding defect in his appointment.

**NORTH ELMSLEY,**

*See* Montague, and &c.

**NORTH GWILLIMBURY,**

To establish side-lines in, 3 W. 4 c. 38.

**NORWICH, TOWNSHIP,**

For settling disputes respecting lines and roads, 5 W. 4, c. 26.  
Divided into two townships, 18 V. c. 171.

**NOTARIES.**

38 G. 3, c. 2—1799.

Ordinance of Quebec, 25 G. 3, respecting notaries, &c., repealed.

7 V. c. 4—1843.

Certificate of to be presumptive evidence of protest and notice, ss. 2, 3.

13, 14 V. c. 19—1850.

Notarial copies of instruments passed in Lower Canada, may be received in evidence, s. 2.

13, 14 V. c. 23—1850.

Fees on protesting bills, &c., s. 1.

Bank officers, not to act as notaries, s. 3.

14, 15 V. c. 94—1851.

Protests to be made on the day of dishonour, s. 1.

Notice of protest to be sent to each of the parties on day of protest, or next juridical day, s. 2.

Non-judicial days to be Sunday—Christmas day—Good Friday—Easter Monday—Ash Wednesday—Fast or Thanksgiving day, by proclamation—Queen's birthday and 1st January, *ib.*

Bills of exchange not to be presented for acceptance on any non-judicial day, and bills and notes falling due upon any non-judicial day, to be presented (the day *after*, *see* 18 V. c. 10), s. 3.

Form of protest and notices, s. 4.

## NOTARIES,

Notaries fees, s. 5.

*See* Bills of Exchange—Promissory Notes.

## NOTES, PROMISSORY,

*See* Bills of Exchange—Promissory Notes.

## NOT GUILTY, PLEA OF,

3 W. 4, c. 3—1833.

Effect thereof on indictment for treason or felony, s. 17.

*See also* 4, 5 V. c. 24, sec. 14.

## NOTICE,

13, 14 V. c. 63—1850.

Registration of deed, will or judgment to be notice in equity, s. 8.

18 V. c. 127—1855.

Filing of a bill in chancery not to be notice, until a certificate thereof shall be registered, s. 3.

## NOTICES, LEGAL AND OFFICIAL,

12 V. c. 26—1849.

To be inserted in Canada Gazette instead of the Upper Canada Gazette.

## NUISANCE,

12 V. c. 81—1849.

Municipalities of incorporated villages, towns and cities, &c., authorized to make by-laws for abating and removing all public nuisances, s. 60, *art.* 10.

## NUMBER AND GENDER,

12 V. c. 10—1849.

How future Acts shall be construed with respect to, s. 5, *art.* 7.

## NUNCUPATIVE WILL,

33 G. 3, c. 8—1793.

What necessary to render valid: property bequeathed not to exceed £30, s. 7.

Period of time within which admissible, s. 8.

Probate of, how granted, s. 9.

## OAK

## OAKVILLE HYDRAULIC COMPANY,

Incorporated, 3 V. c. 32.

## OAKVILLE (OR, SIXTEEN-MILE CREEK),

W. Chisholm empowered to make a harbour at, 9 G. 4, c. 19.

Provincial aid granted him by loan, 1 W. 4, c. 24.

Time for re-payment extended, 3 V. c. 50.

**OAKVILLE AND ARTHUR RAILWAY COMPANY,**

Incorporated, 18 V. c. 192.

**OATH,**

12 V. c. 10—1849.

What shall be intended by the word in future Acts, s. 5, *art.* 13.

9 V. c. 38—1846.

Commissioners of inquiry concerning public matters may administer.

**OATH OF OFFICE AND ALLEGIANCE,**

13, 14 V. c. 18—1850.

General form of, prescribed, s. 2. *See also* Aliens—Public Officers.

**OATHS AND AFFIRMATIONS,**

49 G. 3, c. 6.

Menonists and Tunkers allowed to take affirmation instead of oath, in like cases with Quakers, ss. 1, 2.

10 G. 4, c. 1—1829.

Quakers, Menonists, Tunkers and Moravians permitted to affirm in criminal cases, s. 1.

Previous declaration, form of, *ib.*

Perjury may be assigned on false affirmation, s. 2.

*See also, The various subjects to which the oaths or affirmations relate.*

**OATMEAL,**

*See* Flour, Meal and Oatmeal.

**OFFENCES,**

3 W. 4, c. 3—1833.

What capital. *See also* 4, 5 V. c. 24, s. 20—4, 5 V. c. 27.

General provision for punishment of, s. 25.

7 W. 4, c. 6—1837.

Certain, for the more effectual punishment of.

*See also* Criminal Law—Malicious Injuries—*The Offences by name—and Supplement.*

**OFFENDERS,**

Fugitive from foreign countries surrender of.

*See* Extradition—Fugitive Criminals.

**OFFICE, OFFICER,**

*See* Public Officers.

**ONTARIO AND BAY OF QUINTE CANAL COMPANY,**

Incorporated, 18 V. c. 200.

**ONTARIO MARINE AND FIRE INSURANCE COMPANY,**

Incorporated, 12 V. c. 166.



## ONTARIO, SIMCOE AND HURON RAILROAD UNION CO.,

Charter amended, 16 V. c. 51 ; and again, 16 V. c. 244.

May make a branch to Barrie, 18 V. c. 178.

*See also* Toronto, Simcoe and Lake Huron, &c.

## ORDNANCE,

7 V. c. 11—1843. (VESTING ACT.)

All castles, forts, &c., and real estate for military purposes, tolls, &c. to be vested in the principal officers of Her Majesty's Ordnance in Great Britain, in trust for Her Majesty, s. 1.

Except certain provincial property, &c., *ib.*

All land hereafter acquired to be vested in like manner, s. 2.

Public lands certified to be required for military purposes to be granted to the said officers and held in like manner, s. 3.

Leases or conveyances, contracts, &c. before the passing of this Act, to be valid, s. 4.

Arrears of rent at Bytown, how recoverable, s. 5.

Leaseholds convertible into freeholds on certain terms, s. 6.

Vacant lands at Bytown, not required, to be sold, s. 7.

Terms of years or less estate assigned to attend the inheritance to remain vested in the party they were assigned to, s. 8.

Principal officers may convey lands, subject to trust in certain cases, *ib.*

Principal officers authorized to purchase or lease, s. 9.

Bodies politic and others may contract for sale, s. 10.

On the death, &c., of principal officers, the property to vest in their successors, s. 11.

Power to sell, exchange, &c., property so vested, s. 12.

Application of moneys, s. 13.

Power to enter upon and survey lands, s. 14.

Proviso as to railroads, &c. over ordnance lands, s. 15.

Proceedings in case of owner refusing to sell, s. 16.

Price to be fixed by a jury, *ib.*

Appeal given, s. 17.

Jury may assess compensation to lessees, s. 18.

Upon compensation ascertained, lands to vest, s. 19.

When lands may be taken without consent of owner, *ib.*

Buildings built by the department on leased lands may be removed, s. 20.

Compensation for lands taken without to consent to remain in hands of department until the proper party shall convey, s. 21.

Compensation for lands of parties not having an absolute interest, how to be dealt with, s. 23.

Where compensation less than £200, s. 24.

Where less than £20, s. 25.

Party in possession to be deemed lawfully so until contrary proved, s. 26.

No enrolment of deeds to principal officers required, s. 27.

Actions by principal officers, s. 30.

Suits against them, s. 31.

They may recover costs, s. 32.

Her Majesty's rights and privileges not to be abridged, s. 33.

## ORDNANCE,

Name and style of principal officers in deeds, s. 34.

Authorized to give notices, make entries, &c., s. 35.

Any two or more may act, s. 36.

May depute their powers, *ib.*

Principal officers not to be personally responsible, s. 37.

Act 3 V. c. 16, repealed.

Schedule of certain lands vested by the foregoing Act.

9 V. c. 42—1846.

Act to explain and remove difficulties under the Ordinance Vesting Act.

To what lands the proviso in the 29th section of the said Act shall apply, s. 1.

Principal officers to obtain certificate of the land necessary to be retained, s. 2.

Suits, &c., concerning such lands to cease, s. 3.

Ordinance to be put into possession if not already so, *ib.*

Arbitrators to be appointed to determine compensation for lands retained, s. 4.

Copy of the certificate to be served on arbitrators, s. 5.

Mode of proceeding by arbitrators, *ib.*

Award of two sufficient, *ib.*

Award to be final, and not set aside for want of form, s. 6.

Compensation, to whom to be paid, s. 7.

Payable within three months, *ib.*

Provision, where more than one claimant, *ib.*

Proviso, for re-investing lands in N. Sparks, upon failure of the ordnance department to comply with the requirements of this Act, *ib.*

Interpretation clause, s. 8.

18 V. c. 91—1855.

Provision for transfer of ordnance lands to provincial government, s. 1.

Lands to be divided into three classes, s. 2.

Those necessary to be occupied by H. M.'s troops, *ib.*

Those to be retained for defence of the province, but in the hands of provincial government, *ib.*

Those which may be sold, s. 2.

Those in class 2, to be kept in order by the province, s. 3.

Provision for division into the said classes, s. 4.

Application of moneys arising therefrom, s. 5.

Separate accounts to be kept, *ib.*

## ORNAMENTAL TREES,

12 V. c. 81—1849.

Municipalities authorized to make by-laws for preventing injury to.

*See also* Malicious Injuries to Property.

## ORPHANS,

*See* Children, Orphans.

*And also* Apprentices and Minors—Guardians—Infants.

## OSGOODE TOWNSHIP,

Mode of running side-lines, 10, 11 V. c. 54; 13, 14 V. c. 86.

## OSNABRUCK TOWNSHIP,

A concession line in, confirmed, 2 G. 4, c. 14.

## OTONABEE, TOWNSHIP,

Municipal council may exchange a concession road for another piece of land, 18 V. c. 26.

## OTTAWA DISTRICT,

Erected, 56 G. 3, c. 2.

Annual grant for a public school in, 4 G. 4, c. 28.

Certain courts to be held in, 7 W. 4, c. 38.

Sales of lands for taxes confirmed, 3 V. c. 46—7 V. c. 37.

Official acts of certain officers confirmed, 7 V. c. 38.

Grammar school, new site for, 12 V. c. 111.

## OTTER CREEK NAVIGATION COMPANY,

Incorporated, 18 V. c. 198.

## OUTLAWRY,

55 G. 3, c. 2—1815.

To provide for proceeding to.

Intention of the 54 G. 3, c. 13, declared as to certain process, and the said Act repealed, s. 1.

Courts of general quarter sessions substituted for sheriff's county courts, for proceedings in outlawry, s. 2.

First process for, and proceedings on, s. 3.

When writ of exigent to issue, and form of, s. 4.

Sheriff to make proclamations for surrender, s. 5.

In default of appearance, sheriff to indorse the writ in the form prescribed, s. 6.

Writ of proclamation when party lately conversant in another district, s. 7.

Proclamations thereon and return of writ, s. 8.

In default of appearance, party to incur the same forfeiture, &c., as in cases of outlawry by the law of England as it stood on 17th Sept., 1792, s. 9.

Proceedings when *non est inventus* returned to writ of capias, s. 10.

Act continued and made perpetual by 2 V. c. 7.

## OVERHOLDING TENANT,

4 W. 4, c. 1—1834.

Remedy provided against.

Application to court or judge upon affidavit of facts, s. 53.

Writ of inquiry to issue to commissioner, *ib.*

Notice of holding inquisition to be given, *ib.*

Jury to be sworn, *ib.*

Evidence to be returned with commission, *ib.*

Precept to be issued for putting landlord into possession if the evidence shew a case within the Act, *ib.*

Proceedings may be revised, s. 54.

Judges may make rules, s. 55.

## OVERSEERS OF HIGHWAYS,

12 V. c. 81—1849.

Municipalities authorized to appoint, as regards their duties, &c.

See Highways.

## OXFORD TOWNSHIP,

To provide for survey of, 10 G. 4, c. 14.

## OYER AND TERMINER AND GENERAL GAOL DELIVERY,

57 G. 3, c. 9—1817.

Session of, begun in the Home District before the first day of term, may be continued notwithstanding sitting of the court of K. B.

12 V. c. 63—1849.

Commissions to be issued twice a year, s. 20.

And into county of York three times a year, s. 21.

18 V. c. 92—1855.

Commissions of need not be hereafter issued, s. 43.

*See also* Assise and Nisi Prius.

## P A R

## PARCENER,

4 W. 4, c. 1—1834.

Possession of one coparcener not to be possession of the others, s. 24.

## PARDON,

1 V. c. 10—1838.

May be extended conditionally to certain persons concerned in late rebellion.

4, 5 V. c. 24—1841.

Sentence endured, to have the effect of, s. 21.

Free or conditional, effect of, s. 48.

14, 15 V. c. 2—1851.

Condition may be enforced, in case of commutation of sentence of death, s. 4.

12 V. c. 13—1849.

Granted to all parties concerned in the rebellion of 1837, 1838.

## PARIS, TOWN,

Incorporated and bounded, 18 V. c. 148.

## PARIS HYDRAULIC COMPANY,

Incorporated, 16 V. c. 255.

## PARLIAMENT, PROVINCIAL.

7 V. c. 3—1843.

Continued notwithstanding demise of the crown.

*See also* Constitution.

## PARLIAMENTARY REPRESENTATION,

*See* Representation, Parliamentary.

## PARTITION.

2 W. 4, c. 35—1832.

Of real estate to provide for.

Proceedings for may be had in King's Bench or *district* court, s. 1.

Petition for, to be presented, s. 2.

Notice of, to be given to parties interested, s. *ib*.Notice on agent sufficient when party resides out of the province, *ib*.

Court may order partition after due notice, s. 3.

Writ of, to be directed to sheriff, and proceedings on, *ib*.

Disputed points to be decided as other issues of law or fact, s. 4.

Costs to be awarded to successful party, *ib*.

Parties consenting to, may appoint arbitrators, to be named by the court in case of disagreement, s. 5.

Course of proceeding when partition cannot be conveniently made, s. 6.

Lands may be sold in certain cases, *ib*.

When made, to be described by metes and bounds, s. 7.

Record of in court to be deemed an effectual partition, *ib*.

Costs to be taxed, and execution issued on final partition, s. 8.

Guardians may act for infants, s. 9.

Parties out of the province may obtain new partition within three years in certain case, s. 10.

13, 14 V. c. 50—1850.

Court of chancery to have like power to make as Court of chancery in England, s. 4.

Proceedings therein, s. 5.

Effect of sales or partitions made by the court, s. 6.

Provisions to extend to existing suits, s. 7.

Guardians authorised to execute conveyances in suits for, on behalf of their wards, s. 8.

Court may order sale, when lands cannot be conveniently divided, s. 9.

Court may make rules touching partitions, *ib*.

14, 15 V. c. 7—1851.

Unless by deed to be void, s. 4.

*See also*, 14, 15 V. c. 6, (Primogeniture.) s. 24, &c.

## PARTNERSHIP, LIMITED.

12 V. c. 75—1849.

May be formed, for mercantile, mechanical, or manufacturing business in Upper Canada, s. 1.

Banking and Insurance excepted.

To consist of general partners, and special partners, s. 2.

Their liability respectively, *ib*.

General partners only to transact business, s. 3.

Partners to sign a certificate containing certain particulars, s. 4.

Certificate to be filed in *district* court, s. 6.

Partnership not valid until certificate filed, s. 7.

Penalty for any false statement in its, *ib*.

Renewals of partnerships to be also certified and filed, s. 8.

**PARTNERSHIP, LIMITED,**

Alteration in any matter specified in original certificate to be deemed a dissolution, s. 9.

Partnership, if carried on afterwards, to be deemed a general partnership, *ib.*

Business to be conducted in the name of the general partners, s. 10.

Suits, how to be brought, s. 11.

No part of sum contributed by a special partner to be withdrawn by him, s. 12.

Provision, if original capital be reduced by payment of interest or profits, s. 13.

Special partners may examine into partnership concerns, s. 14.

General partners to account to each other and to special partners, s. 15.

Other creditors of any bankrupt partnership, to rank before any special partner, s. 16.

No dissolution to take place until notified in Gazette, s. 17.

Clerk's fee on filing certificate, s. 18.

18 V. c. 14—1854.

Act 12 V. c. 75, extended to Lower Canada, s. 1.

How partnerships formed in Upper Canada under the Act, may be extended to Lower Canada, s. 2.

Such extension not to be a dissolution, s. 3.

Fees on filing certificate of extension, s. 4.

**PASSENGERS,**

Imp. Act 15, 16 V. c. 44.

**PATENTS, LAND,**

*See* Public Lands.

**PATENTS FOR INVENTIONS,**

*See* Inventions.

**PATRIOTIC FUND,**

18 V. c. 82—1855.

Municipal grants in aid of, declared valid, s. 1.

Future grants to be valid, if approved by a majority of the electors, s. 2.

**PAWNBROKERS,**

14, 15 V. c. 82—1851.

To take a license annually under the penalty of £50, s. 1.

Duty on license, £15, s. 2.

License not to extend to more than one house, s. 3.

Who shall be deemed pawnbrokers, s. 4.

The name of each pawnbroker to be placed over his door, under the penalty of £10 a week, s. 5.

Rates of profits to be taken per month, s. 6.

When sums are lent, intermediate between any mentioned in the Act, s. 7.

Rate for part of a month, s. 9.

As to fractional sums, s. 9.

A table of the rates, &c., to be put up, s. 10.

Goods pawned to be entered in a book, s. 11.

## PAWNBROKERS,

- A note or memorandum to be given to the borrower, and a duplicate affixed to the goods, *ib.*
- Profits taken to be endorsed on such duplicate, *ib.*
- Persons unlawfully pawning goods, how dealt with, s. 12.
- Punishment for forging, &c., any note or memorandum, s. 13.
- Pawnbrokers authorized to arrest suspected persons and deliver them over to the police, s. 14.
- Any pawnbroker taking in pawn goods in process of manufacture, or goods or linen entrusted to wash or make up, &c., to forfeit the sum lent, and restore the goods to the owner, s. 15.
- Search warrants may be granted for goods unlawfully pawned, s. 16.
- Goods found to be restored to the owner, *ib.*
- Goods pawned to be delivered back to the party upon production within one year of the note and tender of the amount lent and interest, s. 17.
- Proceedings in case of refusal, *ib.*
- Person producing the note, to be deemed the lawful owner, unless notice to the contrary, s. 18.
- Provision in case of original note being lost or mislaid, s. 19.
- Goods not redeemed may be sold by auction at the end of the year, after advertisement, s. 20.
- Account of sales to be entered in a book, and the pawnbroker may demand the overplus within three years, s. 21.
- Penalty £10 in case of refusal, besides treble the amount of the loan, *ib.*
- Pawnbrokers not to purchase goods in pawn except at public auction, s. 22.
- Not to take goods in pawn from persons under fifteen years of age, or intoxicated persons, *ib.*
- Not to purchase, or take in pawn the note of any other pawnbroker, *ib.*
- Not to employ any person under 16 to take in pledges, *ib.*
- Not to take goods in pawn before 8 in the morning or after 8 in the evening, (except on Saturday evenings and the evenings preceeding certain holidays,) nor on sundays or holidays, &c., *ib.*
- Satisfaction how to be made when goods sold before the year or damaged, s. 23.
- Pawnbrokers to produce their books upon the order of the justice, under penalty not exceeding £10 nor less than £5, s. 24.
- Prosecutions against pawnbrokers before justices to be commenced within twelve months, s. 25.
- Act to extend to the executors, &c., of pawnbroker, s. 26.
- No fees to be taken by justices for summons or warrant, s. 27.
- Appeal to the sessions against convictions, on security being given, s. 28.

## PAYMENT OF MONEY INTO COURT,

7 W. 4, c. 3—1837.

In what actions allowed, s. 13. *See also* 13, 14 V. c. 60, *as to libel cases.*

**PEACE,**

10, 11 V. c. 12—1847. •

For the better preservation of.

*See* Special Constables, *and also* Justices of the Peace—  
Public Meetings—Public Works—&c.**PEACE OFFICERS,**

4, 5 V. c. 27—1841.

Assault on, in the execution of their duty, how punishable,  
s. 25.**PEDLERS,***See* Hawkers and Pedlers.**PENALTIES AND FORFEITURES,**

12 V. c. 10—1849.

General provision for recovery and application of, when  
not otherwise provided for, s. 5. *art.* 17.**PENITENTIARY, PROVINCIAL,**

2 W. 4, c. 30—1832.

Grant for plans of.

3 W. 4, c. 43—1833.

Grant for erecting.

*See other Grants, &c., in Supplement.*

4, 5 V. c. 69—1841.

To be the penitentiary for the whole province, s. 1.

How Lower Canada convicts may be conveyed to it, *ib.*Powers of persons employed by any sheriff to convey con-  
victs to the penitentiary, s. 2.

14, 15 V. c. 2—1851.

For the better management of.

Act 9 V. c. 4, 1846, repealed, saving existing contrats, ap-  
pointments, &c., s. 1.

Purposes of, defined, s. 2.

Who shall be sent there, *ib.*

Property vested in the Crown, s. 3.

Warden to have the custody, *ib.*

Convicts to be received by the warden, s. 4.

In case of commutation of sentence of death the condition  
of commutation may be enforced, *ib.*

How convicts shall be clothed, fed and employed, s. 5.

Proviso—as to Roman Catholics, s. *ib.*Confinement at night, &c., *ib.*

Penitentiary limits, what included within, s. 6.

Provision for employment of convicts, outside of, *ib.*

Additions and improvements to be made, s. 7.

Solitary cells, when to be used, *ib.*

Contracts, etc., to be made by the warden, s. 8.

He may sue and be sued, *ib.*

Two inspectors to be appointed s. 9.

• Their powers and duties, *ib.*Further powers and duties, in making rules for the go-  
vernment of the Penitentiary, examining and enquiring  
into its management, &c., s. 10.



## PENITENTIARY, PROVINCIAL,

- Further powers for enabling them efficiently to discharge their duties, s. 11.
- Duties of inspectors, in visiting the Institution, keeping minutes of proceedings, inspecting the prison and every part of it, examining the accounts, &c., s. 12.
- Reports to be made by them, and what to comprise, *ib.*
- Officers of the Institution how appointed, s. 13.
- Inspectors may suspend officers, s. 14.
- Warden may suspend certain sub-officers, *ib.*
- Warden to be the chief executive officer of, s. 15.
- His powers and duties, *ib.*
- Deputy warden, s. 16.
- His powers and duties, *ib.*
- Chaplains, and their duties, s. 17.
- Physician—his powers and duties, s. 18.
- Clerk—his duties, s. 19.
- Schoolmaster—his duties, s. 20.
- Storekeeper—his duties, s. 21.
- Clerk of the kitchen—his duties, s. 22.
- Overseers—their duties, s. 23.
- Keepers—their duties, s. 24.
- Guards—their duties, s. 25.
- Salaries of inspectors, Warden and officers, s. 26.
- What officers may not exercise other callings, *ib.*
- Certain officers to give security, s. 27.
- And take oath of office, *ib.*
- Form of oath, *ib.*
- Inspectors may employ an architect, s. 28.
- Plans to be prepared by inspectors, subject to the approval of the Governor in council, s. 29.
- Residence of officers in the institution may be required, *ib.*
- Visitors to be appointed, s. 30.
- Their powers and duties, *ib.*
- Expenses of penitentiary, how to be paid, s. 31.
- Provisions to be supplied by contract, s. 32.
- Arbitration in certain cases, s. 33.
- Books, &c., to be public property, s. 34.
- Vessels, Rafts, &c., not to be moored within a certain distance of, s. 35.
- Spirits not to be sold within, nor introduced without leave, s. 36.
- Penalty £10 for contravention, *ib.*
- Letters, &c., not to be brought to convicts without leave, s. 37.
- Offenders to be guilty of misdemeanor, *ib.*
- Who visitors, *ex officio*, s. 38.
- Proceedings upon death of any convict within, s. 39.
- Punishment and privations of convicts, s. 40.
- Inspectors to draw up questions to be put to convicts, on their discharge, s. 41.
- Convicts not to be discharged on Sundays, s. 42.
- To be furnished with clothing, &c., *ib.*
- Not compellable to leave during certain months in the winter, s. 43.
- Females to be kept separate, s. 44.

**PENITENTIARY, PROVINCIAL,**

Inspectors may prepare a separate system for military convicts, s. 45.

Insane convicts to be removed to the lunatic asylum, s. 46.

Act to remain in force three years, &c., s. 47.

18 V. c. 85—1855.

The foregoing Act continued till 1st January, 1856, and to the end of the then next session.

**PENSION,**

To Lewis Bright and his wife, 3 V. c. 64.

**PENSIONS, MILITIA,**

*See Militia Pensions.*

**PENSIONS AND GRANTS, (TO PRIVATE PARTIES),**

*See Supplement ;—and the parties by name.*

**PENSIONERS, MILITARY, NAVAL, &c.**

14, 15 V. c. 77—1851.

Military and naval pensioners may be enrolled as a local police force, not exceeding 500 men, s. 1.

Pensioners so enrolled to be deemed constables and peace officers, s. 2.

Allowance to, when on duty, s. 3.

Exempt from other offices, and from statute labour and arrest from debt under £30, s. 4.

Superintendent or chief of police force may be appointed a justice of the peace for any portion of the province, tho' without property qualification, s. 5.

Members of, entitled to a free grants of 50 acres each, after five years service, s. 4.

Officers in command to be *ex officio* justices of the peace, but not to act as such in certain cases, s. 7.

The governor authorised to issue his warrant to the mayor or chief magistrate of any town or district where pensioners are enrolled, authorising them to call out enrolled pensioners in aid of civil power, s. 8.

This Act to continue in force five years and to the end of the then next session, s. 9.

**PERJURY,**

12 V. c. 10—1849.

Wilful false statement on any oath or affirmation lawfully administered, to be perjury, s. 8, *art.* 13.

18 V. c. 92—1855.

What averments sufficient in indictment for, s. 21.

In indictments for subornation of, s. 22.

When the perjury has not been actually committed, *ib.*

What sufficient evidence of trial at which the alleged perjury was committed, s. 23.

**PERSON,**

12 V. c. 10—1849.

In future Acts to include bodies corporate, and the heirs, executors, administrators or other legal representatives, of the person s. 5, *art.* 8.

**PERSON, OFFENCES AGAINST THE,***See* Malicious Injuries.**PERSONALS, MORTGAGES OF, &c.***See* Chattels.**PERTH COUNTY,**

To authorize separation of, from Huron and Bruce, 16 V. c. 31.

Brant and Waterloo, provisions relative to, 16 V. c. 81.

**PERTH, CALVINISTIC BAPTIST CHURCH AT,**

Trustees empowered to sell certain land, 10, 11 V. c. 106.

Title to certain lands confirmed, 12 V. c. 106.

**PERTH AND KEMPTVILLE RAILWAY COMPANY,**

Incorporated, 16 V. c. 240.

**PETERBOROUGH COUNTY,**

Councillors indemnified for passing By-law afterwards quashed, 14, 15 V. c. 31.

**PETERBOROUGH,**

Trustees of Roman Catholic congregation enabled to dispose of certain lands, 2 V. c. 35.

**PETERBOROUGH AND PORT HOPE RAILWAY COMPANY,**

Incorporated, 9 V. c. 109.

Charter amended, 16 V. c. 49; 16 V. c. 241.

Charter amended and name changed, 18 V. c. 36.

**PETERBOROUGH AND CHEMONG LAKE RAILWAY CO.,**

Incorporated, 18 V. c. 194.

**PETIT JURORS,***See* Jurics.**PETIT TREASON,**

4, 5 V. c. 27—1841.

To be treated as murder, s. 2. *See also*, 3 W. 4, c. 3, s. 3.**PETITE NATION RIVER,**

Grant for surveying, 7 W. 4, c. 94.

**PETTY TRESPASSES,**

4 W. 4, c. 4—1834.

For the summary punishment of.

One justice may hear and determine any case of assault and inflict fine not exceeding £5, s. 1.

Certain cases of assault excepted, s. 2.

Persons wilfully injuring property real or personal may be fined not more than £5, s. 3.

Not punishable when Act done under claim of right, *ib.*

Actual malice need not be shown, s. 4.

Offenders may be apprehended without warrant, s. 5.

# **PETTY TRESPASSES,**

Penalty for disturbing religious worship not more than £5,  
s. 6. *See also* Religious Worship.

How penalty and costs to be levied, s. 7.

When prosecutions to be commenced, s. 8.

Party accused to be summoned and proceedings thereon, s. 9.

Costs to be paid by party preferring frivolous charge, s. 10.

Now levied, *ib.*

Certificate of dismissal, s. 11.

Persons convicted released from further prosecution for  
same offence, s. 12.

Aiders and abettors punishable as principals, s. 13.

Discharge, in case of making satisfaction, s. 14.

Form of conviction, s. 15.

No jurisdiction under this Act when title in question, s. 16.

Appeal to quarter sessions, and how to be tried, s. 17.

Appeal to be tried by a Jury, *ib.*

Court to give judgment, *ib.*

Justices to transmit convictions to next quarter sessions, s. 19.

Convictions not to be quashed for want of form, s. 20.

Limitation of actions for things done under this Act, s. 21.

Crown may pardon tho' part of money belong to a private  
party, s. 22.

Penalties to be paid to pathmasters or street surveyor, s. 23.

2 V. c. 4—1839.

Justice empowered to summon witnesses, s. 2.

Penalty for refusing to attend, or give evidence, *ib.*

How such penalty to be recovered, *ib.*

13, 14 V. c. 64—1850.

Offenders under the 4 W. 4, c. 4, may be committed to  
lock-up house, instead of common gaol, s. 10.

*See also* Justices of the Peace—Larceny—Malicious Injuries  
to the person, to property, &c.,—*under which will be found*  
*provisions of later date, similar to and superseding tho' not*  
*repealing some of those above referred to.*

## **PHILADELPHIA AND HURON MINING COMPANY,**

Incorporated, 10, 11 V. c. 74.

## **PHYSIC AND SURGERY, PRACTICE OF,**

59 G. 3, c. 13, (3 Session,) 1818.

Medical Board established for examination of candidates,  
s. 2.

Certificate to be given, and license granted by the Governor,  
*ib.*

Act not to prevent females practising midwifery or require  
them to take licences, *ib.*

Fees on certificates and licenses, s. 4.

59 G. 3, c. 2, (4 Session,) 1819.

Secretary to be appointed, s. 2.

Board to sit four times a year, &c., s. 3.

Notice to be given to secretary of applications for examina-  
tion, s. 4.

## PHYSIC AND SURGERY, PRACTICE OF,

8 G. 4, c. 3—1827.

Licentiates from any university in Her Majesty's dominions—physicians and surgeons from the Royal college in London—surgeons in the army or navy—entitled to license upon affidavit of diploma, commission, &c., s. 2.

Affidavit to be kept and filed; false statement therein to be perjury, s. 3.

Necessity of diploma, warrant, &c., or of license from medical board dispensed with in certain cases, s. 4.

License in such cases to be obtained from the Governor, *ib.*

Persons appointed to the medical board, and persons actually employed as physicians or surgeons in the army or navy, permitted to practise without license, s. 5.

General prohibition to practise without proper authority, s. 6.

Females may practise midwifery without license, *ib.*

Practising without license, a misdemeanor, s. 6.

Proof of authority to practise, to rest on defendant, *ib.*

Fees on license to practise, s. 8.

4, 5 V. c. 41—1841.

Persons licensed in either section of the province, may practise in another.

*See also* Anatomy.

## PICKERING HARBOUR AND ROAD JOINT STOCK CO.,

Incorporated, 16 V. c. 141.

## PIERS, WHARVES, &amp;c., COMPANIES FOR CONSTRUCTING,

*See* Harbour and Dock, &c., Companies.

## PILORY,

4, 5 V. c. 24—1841.

Punishment of abolished, s. 31.

## PLANTAGENET TOWNSHIP,

Divided, 10, 11 V. c. 52.

## PLEADING,

7 W. 4, c. 3—1826.

The mode of may be altered by rule of court, s. 1.

May be amended at trial in certain cases, s. 15.

*See also* Abatement—Amendment—Action—Declaration—Demand of Plea—Demurrer—Frauds, Statute of—General Issue—Issue Joined—Misnomer—Payment into Court—Set off—Variance, *as to Civil cases—and Indictment—Criminal Law, &c.,—as to criminal cases,—and Supplement.*

## POISON,

4, 5 V. c. 27—1841.

Administering with intent to commit murder, felony—death, s. 9.

And with intent to procure abortion, to be misdemeanor, s. 13.

12 V. c. 60—1849.

Using of strychnine, or other poison, for killing wild animals, prohibited under the penalty of £10, s. 1.

**POISON,**

Selling arsenic or other poison without a certificate or note from a *justice of the peace*, physician, priest or minister, to subject the seller to a penalty not exceeding £10, s. 2.

Recovery of such penalty, s. 3.

Act limited to Lower Canada, s. 4.

14, 15 V. c. 61—1851.

Act 12 V. c. 60, extended to Upper Canada, omitting the words *Justice of the Peace* in the second section.

**POLICE MAGISTRATE,**

See Police Office.

**POLICE FORCE,**

See Pensioners Military, &c.

**POLICE OFFICE,**

12 V. c. 81—1849.

To be established in towns incorporated, s. 69.

Police magistrate, or mayor to attend daily (Sundays, &c., excepted,) *ib.*

Any justice having jurisdiction may sit for the mayor, *ib.*

Police magistrate to be appointed by the Governor, s. 70.

To be *ex officio* a justice of the peace for the town and for the county in which it lies, *ib.*

Salary not less than £100 per annum, payable quarterly out of municipal funds, *ib.*

Police magistrate not to be appointed until requested by Corporation, *ib.*

May suspend constables, s. 71.

Jurisdiction over offences under by-laws, and other offences s. 72.

Clerks of municipalities to be clerks of police office, s. 73.

Cities incorporated to have all the powers, duties, &c., of towns, s. 82.

To have a police court, as provided with respect to towns, s. 93, as amended by 13, 14 V. c. 64.

16 V. c. 178—1853.

Police magistrate may do whatever is authorized under this Act to be done by two justices, s. 28.—and see a *similar provision* in 16 V. c. 179, s. 21.

**POLICE VILLAGES,**

See Villages, Police.

**POLL—POLL-BOOK,**

See Elections.

**POMEROY, C.,**

Pension to, 11 G. 4, c. 18.

**POOR LAWS,**

32 G. 3, c. 1—1792.

Of England not introduced into Upper Canada, s. 6.

**PORK,**

*See* Beef and Pork.

**PORT BURWELL HARBOUR COMPANY,**

Incorporated, 2 W. 4, c. 15.

Provincial loan to, authorized, 7 W. 4, c. 72.

But see 12 V. c. 160, incorporating a new company, and 14, 15 V. c. 157, amending it.

Charter of new company again amended, 18 V. c. 199.

**PORT COLBORNE,**

Harbour company incorporated, 7 W. 4, c. 48.

**PORT CREDIT,**

*See* Credit.

**PORT CREDIT AND HURONTARIO PLANK-ROAD CO.,**

Incorporated, 10, 11 V. c. 89.

**PORT DALHOUSIE AND THOROLD RAILWAY COMPANY,**

Incorporated, 16 V. c. 136.

**PORT DARLINGTON HARBOUR COMPANY,**

Incorporated, 7 W. 4, c. 49.

Limits extended, 3 V. c. 37.

**PORT DOVER HARBOUR COMPANY,**

Incorporated, 2 W. 4, c. 14.

Charter amended, 5 W. 4, c. 23.

Provincial loan to, authorized, &c., 7 W. 4, c. 86.

Time for completing extended, 4, 5 V. c. 77.

**PORT DOVER AND HAMILTON ROAD,**

*See* Hamilton and Port Dover.

**PORT HOPE HARBOUR COMPANY,**

Incorporated, 10 G. 4, c. 12.

Provincial loan to, 2 W. 4, c. 23.

Charter amended, 6 W. 4, c. 17.

Capital increased, &c., 3 V. c. 52.

Harbour vested in commissioners for the town, 16 V. c. 140.

Commissioners empowered to raise a loan, 18 V. c. 24.

**PORT PERRY AND WHITCHURCH RAILWAY COMPANY,**

Incorporated, 18 V. c. 195.

**PORT WHITBY AND LAKE HURON RAILWAY COMPANY,**

Incorporated, 16 V. c. 105.

**POSSESSION,**

4 W. 4, c. 1—1834.

Of land or rent not to be recovered after twenty years from accrual of right, s. 16.

When right shall be deemed to have first accrued, s. 17.

Possession of one joint tenant, &c., not possession of others, s. 24.

**POSSESSION,**

Of younger brother, not considered possession of heir, s. 25.  
*See also* Prescription—Limitation of Actions.

**POSTAGE,**

*See* Newspapers—Post Office.

**POST OFFICE,**

13, 14 V. c. 17—1850.

To provide for the transfer to the provincial government, and regulation of.

Act 12 V. c. 34 repealed: Saving clause as to sums due things done, &c., s. 1.

Inland posts to be under the control of the Provincial Postmaster General, and revenue to form part of provincial funds, s. 2.

Commissions, postal divisions, contracts, &c., to remain in force until altered, s. 3.

Salaries and emoluments of officers, s. 4. *But see* 18 V. c. 79.

Appointments, how made, s. 5.

Transfer of certain powers and privileges from Imperial to Provincial Postmaster General, s. 6.

Ferry-men not bound to carry over the mails *gratis*, s. 7. *See also* 18 V. c. 8.

Agreement with other colonies to be carried into effect, s. 8.

Pre-payment of postage optional, *ib.*

Appropriation of postage, *ib.*

As to British Packet postage, *ib.*

Franking disallowed, *ib.*

Provision for provincial postage stamps, *ib.*

Newspapers and printed books, &c., now free, to continue so further agreement may be made with other Colonies, *ib.* *See* Newspapers.

Transport of British mails, *ib.*

Provision as to existing agreement with other B. N. A. Colonies, *ib.*

Regulations for establishing or discontinuing any post office and other matters connected with the service of the department, to be made by Governor in council, *ib.*

Penalty for unlawful conveyance of letters, not exceeding £5—exceptions, s. 9.

Letters sent contrary to this Act may be seized and taken to the nearest post office, s. 10.

Postage recoverable from the sender, in case of refusal to receive the letter or packet, s. 11.

Postmasters not bound to give change, s. 12.

General powers vested in post master general, s. 13.

And in the Governor in Council, *ib.*

Suits, contracts, &c., to be in name of Postmaster General, *ib.*

As to letters of soldiers and seamen, &c., s. 14.

Letters posted to be the property of party addressed, s. 15.

Stealing, embezzling, secreting or destroying any post letter, felony, and how punishable;—if money therein, imprisonment for life, s. 16.



## POST OFFICE,

- Stealing from any letter, any money, &c., felony, imprisonment for life, *ib.*
- Stealing Post-letter bag, or Post-letters, stopping mail with intent to rob, &c., felony, and how punishable, *ib.*
- Opening unlawfully any post letter bag, or taking out any letter, felony, imprisonment fourteen years, *ib.*
- Receivers of any stolen letter, &c., guilty of felony, imprisonment fourteen years, *ib.*
- Forging, &c., any postage stamp, &c., felony, imprisonment for life, *ib.*
- What offences shall be misdemeanors, *ib.*
- Opening, destroying or detaining any lost mail bag, &c., *ib.*
- Stealing, destroying or detaining any printed papers, *ib.*
- Wilfully obstructing the progress of any mail, *ib.*
- Damaging or destroying any mail bag, *ib.*
- Any mail carrier guilty of drunkenness or neglect whereby the punctual delivery of the mail is endangered, or conveying any letter, or neglecting to use due diligence in conveying the mail with speed, *ib.*
- Any toll-gate keeper refusing to allow the mail to pass, *ib.*
- Any wilful contravention of any regulation lawfully made under this Act, *ib.*
- Soliciting any person to commit any act declared to be a felony or misdemeanor, *ib.*
- Punishment of principal, or accessories, *ib.*
- Offences, where to be prosecuted, property of letters how to be laid, &c., s. 17.
- Certain provisions of the 10, 11 V. c. 31, relative to the customs and protection of officers, extended to officers of the post office department, s. 19.
- Postmaster General may accept penalty without suit brought, and compromise action, &c., s. 20.
- Penalties, how recoverable, s. 21.
- Who may be witnesses under this act, s. 2.
- Evidence against officers, as to receipt of money by them, and the balance due, s. 23.
- Double the amount to be recoverable, *ib.*
- Interpretation clause, s. 24.

14, 15 V. c. 71—1851.

- So much of the last Act as is inconsistent with this repealed, s. 1.
- Tenders for mail service to be advertised, s. 2. *But see* 16 V. c. 8.
- Tenders and duplicate contract to be sent to Inspector General, *ib.*
- Compensation to contractors for extra services limited, s. 3.
- Lowest tender with sufficient security, to be accepted, s. 4.
- Abstracts of tenders to be recorded and kept, s. 5.
- Any officer becoming interested in any mail contract, &c., to be dismissed, s. 6.
- Tenders to be accompanied with undertaking for entering into contract with sureties, s. 7.
- Contracts for less than £50 per annum, how may be entered into, s. 8.

POST OFFICE,

No contract to be made with parties combining to keep back tenders, s. 9.

Unclaimed letters to be advertised, s. 10.

Post master general may contract with any railroad company for conveying the mail, s. 11.

Annual reports to be laid before parliament and what such Reports must contain, s. 12.

Post routes may be discontinued in certain cases, s. 13.

Branch offices may be established in cities, s. 14.

And a penny post delivery, s. 15.

Appointment of inspectors of post offices, and their powers and duties, s. 16. *See also*, 18 V. c. 79.

In case the stamps affixed to any letter be insufficient, full postage to be charged, s. 17.

No allowance to clerks for extra services, s. 18.

Post masters to give bonds with sureties, s. 19.

To render accounts and pay over balances quarterly, s. 20.

Penalties for neglect, s. 21.

Post masters of Quebec, Montreal, Kingston, Toronto and Hamilton to render quarterly accounts of emoluments received for boxes—and if they exceed, with the salary of the Postmaster, £400 per annum, excess to be paid for use of the province, s. 22.

Any post master converting or loaning any public monies, to be guilty of felony ; evidence of such conversion, and how punishable, s. 23.

16 V. c. 8—1852.

Provisions contained in former enactments inconsistent with this Act repealed, s. 1.

In what cases only contracts for conveying the mails need be advertised, s. 2.

In case lowest tender is excessive, Post Master General may re-advertise, s. 3.

May allow U. S. mails to be carried through Canada on certain conditions, s. 4.

Such mails to be deemed H. M. mails, so far as respects criminal acts, s. 5.

Stealing, forging or counterfeiting, &c., any key used for mail bags, &c., to be felony, s. 6.

Postmasters may be allowed to become contractors in certain cases, s. 7.

Letters suspected to contain contraband goods, may be detained, &c., s. 8.

In what cases only vehicles carrying the mail shall be toll free, s. 9.

18 V. c. 79—1855.

All provincial newspapers to be free of postage, s. 1.

Provision as to salaries of officers, part of the 4th section of the Post Office Act, 13, 14 V. c. 17, repealed.

The 16th section of 14, 15 V. c. 71, repealed, as to limitation of the number of inspectors, s. 3.

All letters, &c., from or to the Governor, or any public department at the seat of government, to be postage free, s. 4.

## POST OFFICE,

And all letters, &c., to or by the speaker or chief clerk of Legislative Council and Assembly, and members during session, s. 5.

Also, all public documents and printed papers sent by the Speaker or Chief Clerk to members during the recess, s. 6.

And all papers printed by order of the legislature, and sent by members during the recess, s. 7.

Inconsistent enactments repealed, s. 8.

Act to commence on the 1st July, 1855, s. 9.

## POT AND PEARL ASHES,

*See* Ashes.

## POULTRY,

12 V. c. 81—1849.

Municipalities authorized to make by-laws for restraining their running at large.

## POUND, POUND-KEEPERS,

12 V. c. 81—1849.

To be established and appointed by the municipalities and regulations to be made, s. 31, *art.* 4, 5, 24, &c.

1 V. c. 21—1838.

Pound to be provided by the poundkeeper, s. 32.

Poundkeeper to impound all animals unlawfully running at large, &c., and to furnish them with food and drink, *ib.*

If animals not claimed, and lawful demands not paid, they may, after legal notice, be sold, *ib.*

Overplus to be returned to the owner, *ib.*

Proceedings in case the owner of cattle impounded is unknown, s. 33.

Persons taking up cattle to be impounded must state their demands in writing, s. 34.

Party claiming extravagant damages to pay costs, *ib.*

Three freeholders to appraise damages, and determine upon the lawfulness of fences, &c., s. 35.

Persons refusing to appraise may be fined, *ib.*

“ liable for damage, if cattle unlawfully allowed to run at large, *ib.*

## POWELL, W. D., AND WIFE,

Certain lands in Guelph, held in trust for them, vested in new trustees, 18 V. c. 67 and 249.

## PRACTICE COURT,

12 V. c. 63—1849.

Abolished, s. 10.

13, 14 V. c. 51—1850.

One of the judges (Queen's bench or Common pleas) authorized to sit in *banc* in matters of bail, insolvent debtors, hearing motions and making rules in matters pending, s. 3.

Clerk of chambers to be clerk of Judge so sitting, s. 4.

**PREAMBLE,**

12 V. c. 10—1849.

In future Acts to be held to form part of the Act, s. 5,  
*art.* 28.

**PRESBYTERIAN CONGREGATION AT YORK,**

*See* York.

**PRESBYTERIAN CHURCH,**

Widows and Orphans Fund. *See* Managers of, &c.

**PRESCRIPTION,**

10, 11 V. c. 5—1847.

Act for shortening the time of in certain cases.

Certain claims not to be defeated by showing only that the  
 enjoyment began more than thirty years ago, s. 1.

And if enjoyed for sixty years, indefeasible, *ib.*

Except by agreement in writing, *ib.*

Right of way or water not to be defeated by showing that  
 it began more than twenty years ago, s. 2.

If enjoyed for forty years, indefeasible, *ib.*

Except by agreement in writing, *ib.*

Access and use of light enjoyed for twenty years, indefeasi-  
 ble, s. 3.

Exception as above, *ib.*

How the terms shall be calculated, and what acts only shall  
 constitute an interruption, s. 4.

What allegation by party claiming, sufficient, s. 5.

What proof admitted for or against such allegation, *ib.*

Plea of "sufficient term of enjoyment" substituted for "time  
 immemorial", *ib.*

Matter of exception to be specially pleaded, *ib.*

Period of disability to act, &c., not to be reckoned, *ib.*

Presumption, when inadmissible, s. 6.

Terms of years, &c., excluded from computation in certain  
 cases, s. 7.

Crown lands not duly surveyed and laid out excepted from  
 operation of this Act, s. 8.

Prescription against tenant in tail under the 4 W. 4, c. 1,  
 to be valid against those whose rights he could have  
 barred, s. 9.

Term elapsed during the life of tenant in tail to be com-  
 puted against those whose rights he could have barred,  
 s. 10.

Effect of an assurance by tenant in tail and possession for  
 twenty years in certain cases, s. 11.

Act to commence 1st January 1848, s. 12.

**PRIMOGENITURE,**

14, 15 V. c. 6—1850.

To abolish the rights attached to in succession to reale state.  
 The course of descent from any person dying intestate after  
 1st January 1852, to be, s. 1.

1. To his lineal descendants, and those claiming under  
 him, per stirpes;
2. To his father;
3. To his mother

## PRIMOGENITURE,

## 4. To his collateral relatives.

Subject to following rules ;

As to descendants in an equal degree of consanguinity, s. 2.

Where some children living, others dead leaving issue, s. 3.

As to descendants in unequal degrees of consanguinity, s. 4.

In case of no lawful descendants, the inheritance to go to the father if living, unless it came by the mother and she be living ; if the mother dead, then the inheritance coming by her, to the father for life, reversion to brothers and sisters, &c., s. 5.

If no father living or he does not inherit under the last section but a mother and a brother and sister living, then to the mother for life, reversion to brother or sister, &c., s. 6.

If no father or mother, then to collateral relatives equally if of equal degree, s. 7.

Brothers and sisters living to inherit equally, and descendants of any deceased one to inherit parents' share, s. 8.

Same rule to apply to lineal descendants to the remotest degree, s. 9.

If no heir entitled to take under preceding sections then,

1. To the brothers and sisters of the father equally ;

2. The issue of any deceased to take their parents' share ;

3. If all such brothers and sisters dead, then to their descendants.

In failure of any such succession, then to the brothers and sisters of the mother of intestate and their descendants in like manner, s. 11.

If the inheritance came through the mother, then to descend on the mother's side in like manner, s. 12.

If the inheritance came through neither father or mother, then to the brothers and sisters of both father and mother in equal shares, and their descendants, s. 13.

The half blood to inherit equally with the whole blood, unless the estate came by descent, devise or gift from an ancestor, in which case those not of his blood shall be excluded, s. 14.

On failure of heirs aforesaid the inheritance to descend to next of kin, s. 15.

Co-heirs to take as tenants in common, s. 16.

Posthumous issue to inherit, s. 17.

Illegitimate issue excluded, s. 18.

Tenancy in courtesy, or in dower, as well as trust estates or estates limited by deed or will, not to be affected by this Act, s. 19.

Children advanced to full amount of equal share excluded s. 20.

If advancement not equal to a full share, then to inherit the residue, s. 21.

Value of advancement how to be ascertained, maintenance and education not to be deemed an advancement, s. 22, 23.

Provision for purchase of estate descended, by any of the parties interested therein :—heir at law to have the pre-

**PRIMOGENITURE,**

ference : But Court may make order for sale, if they think right, s. 24.

Interpretation clauses, ss. 25, 26, 27.

**PRINCE EDWARD COUNTY,**

For better division of into townships, 37 G. 3, c. 17.

Erected into a separate district, 1 W. 4 c. 6.

Act amended, &c., 2 W. 4, c. 16.

**PRINCE EDWARD RAILWAY COMPANY,**

Incorporated, 16 V. c. 245.

**PRINCE, JOHN,**

Admission to practice, 1 V. c. 42.

**PRISONERS, (IN CRIMINAL CASES.)**

3 W. 4, c. 2—1833.

Manner of procuring bail for when committed for trial, s. 2.

Order to be made as if brought upon *Habeas*, s. 7. *But see also*, 4, 5 V. c. 24, ss. 1, 2, 3, 4, &c., and 16 V. c. 179, ss. 14, 15, 16, 17, &c.

How brought up to give evidence, s. 8. *See* 4, 5 V. c. 24, s. 11.

6 W. 4, c. 44—1836.

Allowed full defence of counsel on trial for felony. *See also* 4, 5 V. c. 24, s. 9.

Entitled to copy of indictment on payment of charges, s. 2.

4, 5 V. c. 24—1841.

Entitled to copies of depositions, s. 12.

Upon trial, may inspect depositions, s. 13.

Plea of "not guilty" sufficient to put on trial, s. 14.

Refusing to plead, court may order "not guilty" to be entered, s. 15. *See also*, 3 W. 4, c. 3.

12 V. c. 10—1849.

To what gaol to be committed when not otherwise provided, s. 5, *art.* 21.

*See also*, Criminal Law—Justices of the peace.—*And Supplement.*

**PRISONERS (IN CIVIL CASES).** *See* Imprisonment for debt—Insolvent debtor, &c.

**PRIVATE ACTS,**

12 V. c. 10—1849.

What Acts shall hereafter be deemed such, s. 5. *art.* 27.

**PROBATE COURT,**

33 G. 3, c. 8—1793.

Established, s. 1.

The governor to preside, with power to appoint an assessor Official Principal and registrar and other officers, *ib.*

The governor authorised to appoint surrogate courts, s. 2.

In case of goods left to the amount of £5 in two or more districts, probate, &c., to be granted by court of probate only, s. 3.

## PROBATE COURT,

Each court to be provided with a seal, s. 4.

Oath of the surrogate and registrar, s. 5.

Wills, &c., to be kept of record, and transcript thereof duly authenticated to be taken as the regular probate, s. 6.

Circumstances requisite to render nuncupative wills valid—property bequeathed not to exceed £30, s. 7.

Period of time within which admissible, s. 8.

Probate of, how granted, s. 9.

Proof of the death of party to be given before any probate &c. issued, s. 10.

*Sect. 11 to 15 relate to Administration, which see.*

Appeal from Surrogate Court to Court of Probate, s. 16.

Time of sitting of the court, s. 17.

Official fees, s. 18.

## PROCEDURE,

*See Criminal Law—Law, Civil,—Pleading, &c.,—and Supplement.*

## PROCESS,

12 V. c. 63—1849.

In Superior Courts of Common Law, first process in non-bailable actions to be a summons, s. 22.

In bailable actions, a *capias*, s. 24.

Writ not to be in force more than *four* months, *ib.*

To be tested on date, s. 27.

16 V. c. 175—1853.

Mileage on in Superior Courts or County Courts taxable only when served by sheriffs or coroners or their bailiffs, s. 13.

*See also—Capias—County Court—Division Court—Execution—Fieri Facias—Outlawry—Return—Sale of Lands—Scire Facias—Testatum Writs—Writs, &c.—and Supplement.*

## PROFANATION OF THE SABBATH,

*See Sunday.*

## PROFANE SWEARING,

12 V. c. 81—1849.

Municipalities authorized to make by-laws for preventing, s. 60, *art.* 10.

## PROHIBITORY LIQUOR LAW,

16 V. c. 184—1843.

Municipalities authorized to make by-laws for preventing absolutely the sale of spirituous liquors, ale or beer, by retail, s. 3.

Law not to be in force unless approved by a majority of the electors, s. 4. *See also* Liquors spirituous.

## PROMISSORY NOTES,

2 G. 4, c. 12—1821.

For small sums declared legal and certain British Acts restraining them not to be in force, s. 1.

**PROMISSORY NOTES,**

5 W. 4, c. 1—1835.

If several suits brought against parties to, under £100, costs recoverable in one suit only, and disbursements in the others, s. 1.

All the parties liable may be included in one suit, s. 2.

Defendants in suits against all parties may plead separately; judgment may be giving in favor of some of the defendants and against others, s. 5.

Executors of defendants liable, s. 11.

Rights of parties as between each other to remain, s. 8.

Parties to, may be witnesses in certain cases, s. 9.

Suits to proceed though one or more defendants absent, s. 13.

7 W. 4, c. 3—1837.

Where party to, signs by initial letter of his christian name, affidavit to arrest and process sufficient, if such initials are used, s. 9.

7 W. 4, c. 5—1837.

Payable at a bank, or other particular place, payable generally, s. 1.

Payable at a particular place and “not elsewhere” a qualified promise, *ib.*

Not to be void for usury in the hands of innocent holders, s. 3.

3 V. c. 4—1840.

Under 5s. prohibited if wholly or in part printed, &c., s. 1. Penalty for issuing, *ib.*

If default made in payment of such notes heretofore issued, defaulter to forfeit treble the sum, s. 2.

3 V. c. 8—1840.

Form of declaration against parties to, s. 2.

Defendants may set off certain demands, s. 3.

18 V. c. 10—1854.

When the last day of grace is a Sunday or holiday, note to be payable the day after, s. 1.

*See also* Bills of Exchange—Holiday—Notaries.

**PROPERTY AND CIVIL RIGHTS,**

32 G. 3, c. 1—1792.

Questions relating to, to be decided by the law of England, s. 3.

**PROPERTY, MALICIOUS INJURIES TO,**

*See* Malicious Injuries.

**PROTEST,**

*See* Bills of Exchange—Notaries—Promissory Notes.

**PROVIDENT SOCIETIES,**

*See* Associations, Provident.

**PROVIDENT LIFE INSURANCE AND INVESTMENT CO.,**

Incorporated, 18 V. c. 211.



**PROVINCIAL, MUTUAL AND GENERAL INSURANCE CO.,**

Incorporated, 12 V. c. 167.

Charter amended, 16 V. c. 69 ; and again by 18 V. c. 213.

**PROVINCIAL PARLIAMENT,**

7 V. c. 3—1843.

To continue notwithstanding demise of the crown, s. 12.

*See also*, Constitution.**PROVINCIAL STOCK, IN BANK OF UPPER CANADA,**

3 V. c. 57—1840.

To authorize the disposal of.

**PROVISIONAL DISTRICTS,**

16 V. c. 176—1853.

For administration of justice in unorganised tracts in U. C.  
The governor authorised to form provisional judicial districts,  
s. 1.

Provision for holding certain courts therein, s. 2.

Appointment of judges : salary not to exceed £500 per annum, s. 3.

Payment of sheriffs, s. 4.

Certain laws now in force to apply to such provisional judicial districts, s. 5.

Justices of the peace therein to have the powers which  
justices of the peace had in Districts in U. C. before the  
4, 5 V. c. 10, or now have, s. 6.

Property qualification not requisite, *ib.*

Territory not included in any township may be included in such provisional districts, s. 7.

Provisions of the 59 G. 4, c. 10, not to be affected by those of this Act, s. 8.

Persons inciting Indians, &amp;c., to the commission of certain offences, how punishable, s. 9.

Offenders may be committed to any gaol in U. C., *ib.*

Buildings erected by commissioners of public works for  
courts and gaols in such provisional districts to be deemed  
such, s. 10.

Provision as to jurors, s. 11.

**PROVISIONAL COUNCILS,***See* County Councils—Municipalities.**PROVISIONS,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating  
markets, and for seizing and destroying unwholesome  
provisions, s. 60, *art.* 27.

Inspection of, *See* Beef and Pork, Flour and Meal, &c.**PROVISO, TRIAL BY,**

13, 14 V. c. 55—1850.

When defendant may bring on such trial, s. 35.

**PUBLIC ACT,**

12 V. c. 10—1849.

What shall be held to be one, s. 5, *art.* 27.

**PUBLIC ACCOUNTS,**

18 V. c. 78—1855.

Board of audit may be constituted, s. 1.

Of whom to consist, s. 2.

Salary of auditor, &amp;c., s. 3.

Duties of inspector general with regard to, s. 4.

To keep an appropriation book and what it shall shew, *ib.*

Duties of commissioners of customs, s. 5.

Duties of the auditor, s. 6.

What accounts he shall examine, *ib.*To keep register of bank notes, examine returns of savings banks, &c., *ib.*

Further revision of all accounts by board of audit, s. 7.

Board to examine and cancel land scrip and debentures, s. 8.

Public moneys, how to be paid in and deposited, s. 9.

Deposit of moneys by customs or excise officers, s. 10.

To be placed to credit of receiver general, *ib.*Books to be always ready for inspection, *ib.*

Public moneys to be paid out only on the warrant of the governor in council, on checks signed by receiver general and countersigned by inspector, &amp;c., s. 11.

Institutions wholly supported by public grants to render quarterly accounts, s. 12.

Superintendents of common schools to report yearly on or before the 30th January, s. 13.

All other institutions, on or before 15th January, *ib.*What such reports shall contain, *ib.*

Treasurers of municipalities indebted to municipal loan fund to make yearly returns of taxable property, debts, &amp;c., of such municipality, s. 14.

Penalty for neglecting to transmit such accounts, s. 15.

Notification to persons neglecting to pay over money received for public purposes, s. 16.

Proceedings in case of non-compliance, s. 17.

Defendant liable to costs, *ib.*

Proceedings against persons transmitting accounts without sufficient vouchers, s. 18.

Defendant liable to costs, *ib.*

Persons employed to collect public moneys to be responsible for losses in case of malfeasance, gross neglect, &amp;c., s. 19.

Unapplied public money to be re-paid to receiver general, s. 20.

Board of audit may examine persons on oath, s. 21.

Witnesses may be called from any part of the province, *ib.*

Subpœnas may be obtained from the superior Courts, s. 22.

Board may appoint commissioners to take evidence, s. 23.

Penalty £10 on witnesses refusing to obey subpœna, s. 24.

Act not to impair any remedy under the 8 V. c. 4, (Revenue management,) or any other law, s. 25.

See also Public debt—Finance—Customs—Revenue, &c.,—*and Supplement.***PUBLIC DEBT,**

12 V. c. 5—1849.

Act for the better management of and of public accounts and property.

**PUBLIC DEBT,**

Provision for redemption of outstanding debentures, by issue of, new ones, s. 1.

Debentures may be made payable in sterling or currency, *ib.*  
Rate of interest discretionary, but not to exceed the legal rate, *ib.*

Public debt not to be increased thereby or currency, *ib.*  
Provision for the issue of debentures under £10, s. 2.

Indemnity clause for past issue, s. 3.

Terminable annuities may be granted, s. 4.

Except £20,000 the net revenue of public works to go to the sinking fund, s. 5.

Provision for further contributions to and investment of sinking fund, *ib.*

Governor in council to make regulations for management of the public debt and payment of interest, &c., s. 6:

May appoint one or more fiscal agents in London, *ib.*

Provision for temporary loans to meet any deficiency in the annual revenue, s. 7.

Amount charged on the consolidated revenue fund for permanent works to be ascertained, s. 8.

Debentures to be issued for the amount, *ib.*

Public accounts to be kept by double entry, s. 9.

Account for "Losses" to be opened, and how debited, s. 10.

Certain balances to be transferred, s. 11.

Governor in council authorised to arrange for the transfer of public works to certain local authorities, s. 12.

Transfer to be effected by order in council, s. 13.

Accounting clause, s. 14.

*See also, Finance, &c., and Supplement.*

**PUBLIC BUILDINGS IN UPPER CANADA,**

13, 14 V. c. 68—1850.

A new rate to be imposed on taxable property in Upper Canada, s. 1.

To be applied for erecting public buildings, &c., s. 2.

*See Lunatic Asylum.*

**PUBLIC EXHIBITIONS,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for restraining or licensing, s. 31, *art.* 22.

**PUBLIC HEALTH,**

5 W. 4 c. 10—1835.

Boards of health established, s. 1.

Their powers and duties, s. 2.

Rules to be made for vessels entering ports, s. 3.

Penalty for disobedience, s. 4.

As to malignant diseases in crowded or unhealthy places, s. 6.

Act made perpetual by the 2 V. c. 21.

12 V. c. 8—1849.

Act for the preservation of, in certain emergencies.

This Act to come in force by proclamation in case of sudden emergency, s. 1.

## PUBLIC HEALTH,

Certain parts of 5 W. 4, c. 10, to be suspended in localities affected by such proclamation, s. 2.

Governor authorized to appoint a central board of health, s. 3.

Local boards to be appointed by municipalities, s. 4.

In case of neglect, the Governor may appoint such boards, *ib.*

Central board authorized to issue regulations, s. 5.

Members of local boards to be health officers: their powers as such, s. 6.

Expenses of central board to be paid by the province, s. 7.

Expenses of local boards, by the localities, *ib.*

Regulations of the central board to be sanctioned by the Governor, and published in the Canada Gazette, s. 8.

Local by-laws on the subject of health to be suspended while such regulations in force, s. 9.

Penalty on persons obstructing the execution of, or contravening this Act, &c., s. 10.

*Certiorari* taken away, s. 11.

Interpretation clause, s. 12.

12 V. c. 81—1849.

Municipalities authorized to make by-laws for providing for health, and against the spreading of contagious or infectious disease, s. 60, *art.* 15.

For regulating interment of the dead, *ib.*

Keeping bills of mortality, *ib.*

Imposing penalties on physicians, sextons and others for default, *ib.*

For providing for one or more public cemeteries, *ib.*

Laying out and regulating any, *ib.* *art.* 16.

Members of Municipal Corporation to be Health officers under 5 W. 4, c. 10, or any future Act for like purposes, s. 137.

## PUBLIC HOUSES,

See Innkeepers—Liquors, Spirituous.

## PUBLIC LANDS,

37 G. 3, c. 14—1797.

To correct error in patents, where the word "clergyman" is inserted instead of "clergy".

6 W. 4, c. 3—1836.

Act to prevent entries on, by bodies corporate, without license.

2 V. c. 15—1839.

To protect from trespass and injury.

Commissioners to be appointed to inquire concerning trespasses, &c., s. 1. *But see* 12 V. c. 9, s. 1.

How to proceed to remove persons in illegal possession, s. 2.

Penalty for resuming possession after removal, s. 3.

" for unlawfully cutting and removing trees, s. 4.

Timber cut but not removed may be seized, s. 5.

Commissioners to summon witnesses, s. 6.

" to summon parties charged before investigation, s. 8.

**PUBLIC LANDS,**

- Commissioners to issue warrants to Sheriffs, s. 9.  
 " entitled to the same protection as justices of the peace, s. 10.  
 Appeal to chancery from commissioners, s. 11.  
 12 V. c. 9—1849.
- The above Act extended to all surveyed or unsurveyed lands, crown reserves, clergy reserves, school lands, and Indian lands, s. 1.
- In cases of doubt general notice to quit to be given, s. 2.  
 Summons to contain description of lands, s. 3.  
 Parties resuming possession may be removed by writ of continuance, ss. 4, 5.  
 Convictions removable by certiorari into Queen's bench, s. 6.  
 Commissioners may commit for contempt, s. 7.  
 Form of writ of removal by continuance.  
 16 V. c. 159—1853.
- Acts 4, 5 V. c. 100, and 12 V. c. 31, and all other inconsistent laws repealed.  
 Free grants limited, s. 2.  
 Claims arising out of repealed Acts, to be determined by Governor in council, s. 3.  
 Price of, to be fixed by Governor in council, s. 4.  
 Purchase by government agents prohibited, s. 5.  
 Licenses of occupation may be granted upon certain terms, s. 6.  
 Commissioner of crown lands to keep a register of assignments of claims, s. 7.  
 Registration to extend to former assignments, s. 8.  
 Free grants may be made to settlers in vicinity of certain new roads, s. 9.  
 Lands may be set apart for markets, gaols, &c., not exceeding ten acres, s. 10.  
 Licenses revocable in case of fraud, or breach of condition, s. 11.  
 Mode of obtaining possession after revocation, s. 12.  
 Lands declared forfeited may be resumed by the crown, s. 13.  
 A certain sum not exceeding one-fourth may be reserved out of proceeds of school lands for public improvements in the county, and a sum not exceeding one fifth out of unappropriated crown lands, s. 14.  
 This Act may extend to Indian lands by order in council, s. 15.  
 List of crown, school, and clergy lands for sale, to be published, s. 16.  
 Agents to be appointed by Governor in council, s. 17.  
 Erroneous patents to be cancelled and new ones issued, s. 18.  
 In cases of double grants, of same land, equivalent grant to be made to loser, s. 19.  
 Free grants to be made for deficiency upon erroneous survey, s. 20.  
 Court of chancery in Upper Canada, and superior court in Lower Canada may avoid patents issued in error, s. 21.  
 Before whom affidavits under this Act may be made, s. 22.

## PUBLIC LANDS,

- Commissioner of crown lands and agents to give security, s. 23.
- Commissioner of crown lands to transmit annually to county registrars lists of lands sold, s. 24.
- Governor in council may make orders to carry out this Act, s. 25.
- Upon proof given by the heir, assignee, or devisee of original nominee, and report made thereon to the governor in council, patent may issue to claimant notwithstanding the 8 V. c. 8, s. 26.
- Clergy reserve lots may be resold, released, &c., on failure by the original purchaser or lessor to fulfil conditions, s. 27.
- Land scrip may be received in payment for lands up to 1st July, 1854, s. 28.
- Licenses of occupation, &c., heretofore granted to remain in force, s. 29.
- Interpretation Act to apply to this Act, s. 30.
- See also* Heir and Devisee.

## CUTTING TIMBER ON.

12 V. c. 30—1849.

- Commissioner of crown lands may grant licenses for cutting, s. 1.
- Form of license, and legal effect, s. 2.
- Return to be made on oath by persons licensed, s. 3.
- Timber liable to payment of duties may be followed until duties paid, s. 4.
- The giving of bonds or notes not to affect lien on timber, s. 5.
- Timber seized for payment of duties may be sold, s. 6.
- Penalty on persons cutting timber without license, s. 7.
- Timber alleged to have been unlawfully cut may be seized on sufficient affidavit, s. 8.
- If it be mixed with other timber, *ib.*
- Seizing officer may command assistance, s. 9.
- Violent resistance to be felony, *ib.*
- Carrying away timber under seizure to be deemed stealing, s. 10.
- Timber seized to be condemned if not claimed within a certain time, s. 11.
- May be given up on security being given, *ib.*
- Wilful false oath, perjury, and timber forfeited, s. 12.
- Maliciously cutting booms, &c., to be a misdemeanor, s. 13.
- Existing licences saved, s. 14.

## PATENT FEES.

14, 15 V. c. 56—1851.

- Time for payment of certain patent fees, extended to 1st August, 1852, s. 1.
- But the Governor may extend the term by proclamation, *ib.*
- In default of payment, &c., locations to be cancelled, s. 2.
- Locations mentioned in list of 4th April, 1839, not to be restored, s. 3.

## PUBLIC LANDS.

## CUTTING TIMBER ON,

Right to patent (when proved under the Heir and Devisee Act 8 V. c. 8) may be assigned, s. 4.

Exception made as to lands located under Adjutant General of Militia, Hon. Col. Talbot, Land Boards of 1819, and Military Settling Department, s. 5.

## LAND SCRIP.

13, 14 V. c. 16—1850.

Not to be redeemed after twelve months. *But see below.*

16 V. c. 159—1853.

May be received in payment for lands up to 1st July, 1854, s. 28.

## PUBLIC MEETINGS,

7 V. c. 7—1843.

All public meetings required by law or called as prescribed by the 4th sec. to be within this Act, s. 1.

Meetings called by the sheriff or mayor, upon the requisition of 12 or more freeholders, or by any two justices upon a like requisition, to be within the Act, s. 2.

Public meetings, so declared by any two justices as prescribed by the 6th sec., to be within the Act, s. 3.

Notice for calling under the first sec. what to contain, s. 4.

Notice of meetings under the second sec., s. 5.

Course of proceeding for bringing meetings referred to in third sec. within the Act, s. 6.

Sheriff and other public officers convening public meetings under the 2 sec. to give public notice thereof, s. 7.

Justices declaring public meeting under the third sec. within the Act, to give notice, s. 8.

Sheriff, mayor, and justices, calling public meeting under the second section to attend thereat for preserving the peace, s. 9.

Chairman at, to read the requisition, s. 10.

“ may cause order to be kept, disorderly persons removed, and convict disturbers on view, s. 11.

Offenders to be committed by any justice for any period not exceeding 48 hours, *ib.*

Chairman may call on justices and peace officers to aid and assist in preserving order, s. 12.

Justices to swear in special constables on requisition of chairman, s. 13.

Persons refusing to be sworn to be guilty of misdemeanor and subject to fine not exceeding 40s., s. 14.

Justices may disarm persons coming armed, any person refusing to deliver up offensive weapons, to be guilty of misdemeanor, and subject to a fine not exceeding 40s., s. 15.

Arms to be restored to the parties on the day next after the meeting, s. 16.

Persons guilty of battery within two miles of the meeting, how punishable, s. 17.

No one except sheriff, justices, &c., to approach armed within two miles of any public meeting, under pain of misdemeanor, &c., s. 18.

**PUBLIC MEETINGS,**

Persons lying in wait for persons going to or returning from public meeting, to be guilty of misdemeanor, s. 19.  
Limitation of actions, s. 20.

Act to be read in quarter sessions during two years, s. 21.

**PUBLIC NUISANCE,**

Schedule.—Forms of Notice under the Act.

12 V. c. 81—1849.

Municipalities authorised to make by-laws for abating and removal of, s. 60 *art.* 10.

**PUBLIC OFFICER,**

12 V. c. 10—1849.

Power to appoint to include power to remove; s. 5, *art.* 21.  
Successor included in any provision applied to a public officer by his name of office, *ib.*, *art.* 23.

**PUBLIC OFFICERS,**

4, 5 V. c. 91—1841.

Appointed to any public trust, to give security, s. 1.

Act to apply to persons holding office at its passing, s. 2.

Bonds to be filed with registrar of the province, s. 3.

Separate entries to be kept, s. 4.

Officers neglecting to give security to forfeit their offices, s. 5. *But see* 16 V. c. 87.

In case of the death, bankruptcy or insolvency, or non-residence of any surety, principal to notify secretary or head of department, and furnish other sureties, s. 6.

Neglecting to give security, to forfeit appointment, *ib.*

When neglect not wilful, governor may extend the time, s. 7. *See* 16 V. c. 87.

Period for registration of bonds, s. 8.

Irregularity in bonds not to vacate them, s. 9.

Bonds to be registered notwithstanding period lapsed, s. 10.

Act to apply to existing bonds, s. 11.

The 6 and 19 sec. of 3 W. 4, c. 8, relating to sheriffs, repealed, s. 12.

Uniform practice established throughout the province, s. 13.

Statement of bonds to be laid before the legislature, s. 15.

Act not to extend to municipal officers, s. 16.

Interpretation clause, s. 17.

7 V. c. 8—1843.

New commissions need not be issued at the commencement of a new reign, s. 1.

Oath of allegiance to be taken: Acts of Public Officers confirmed, *ib.*

13, 14 V. c. 18—1850.

For making uniform provision respecting official and other oaths.

Oath of allegiance and of office to be the only ones required, s. 2.

Act 3 W. c. 12 repealed, s. 1.

Same form to be used throughout the Province, *ib.*



## PUBLIC OFFICERS,

May be administered by magistrates and others now or hereafter to be lawfully authorised, s. 3.

Form of Oath of allegiance, *ib.*

Oath of allegiance to be taken within the time prescribed by law, s. 4.

Affirmation allowed in certain cases, s. 5.

Sacrament, as a qualification for office, not required, s. 6.

14, 15 V. c. 80—1851.

Sureties may relieve themselves from responsibility upon giving notice.

Principal to find new sureties upon pain of forfeiture of office.

16 V. c. 87—1853.

Office not avoided for neglecting to comply with the provisions of 4, 5 V. c. 91, until declared so by the governor, s. 1.

Approval of security by the governor in Council may be given, in certain cases, altho' security was not given within the time required by law, s. 2.

And so of the affidavits of sufficiency, s. 3.

Acts of public officers not to be avoided tho' securities not duly given, *ib.*

## PUBLIC AND PRIVATE SECURITIES, (STEALING OF),

*See* Larceny.

## PUBLIC SCHOOLS,

*See* Common Schools—Grammar Schools.

## PUBLIC WORKS,

1 V. c. 52—1838.

Act to prevent further advances on, until the interest thereon be paid.

2 V. c. 27—1839.

Commissioners for, to make returns of moneys expended, s. 1.

4, 5 V. c. 28—1841.

£1,659,682 stg. granted for the erection and completion of certain enumerated works, s. 1. *See* 8. V. c. 75, *correcting an error as to the grant for the Main Northern Road from Toronto to Lake Huron.*

All powers heretofore vested in any directors or commissioners of, transferred to the "board of works," s. 2.

With all rights and liabilities, s. 3. *But see* 9 V. c. 37.

4, 5 V. c. 38—1841.

*The 1st and 2nd secs. of this statute relate to Lower-Canada exclusively—all the other sections are repealed by the next statute.*

9 V. c. 37—1846.

The 3rd and all the subsequent sections of last mentioned statute repealed, s. 1.

The governor authorized to appoint a chief commissioner and an assistant commissioner to be styled "commissioners of public works," *ib.*

## PUBLIC WORKS,

Commissioners not disqualified from being members of assembly, *ib.*

Secretary to be appointed: commissioners and secretary removable at pleasure, s. 3.

Engineers and other officers to be appointed, *ib.*

Commissioners and secretary to be paid a yearly salary, s. 4.

Commissioners authorized to enter into contracts on behalf of the province relative to public works, s. 5. *But see* 10, 11 V. c. 24, s. 1, *under which the contracts are in the name of the Crown.*

Office of the commissioners—times of meeting, s. 6.

Commissioners to have the management of all public works constructed or maintained at the public expence out of the provincial funds, &c., s. 7.

No expenditure to be made, without the previous sanction of the legislature, *ib.*

Commissioners authorized to enter on lands and make surveys, s. 8.

May take lands, streams, &c., for public works, *ib.*

May contract with parties and representatives of minors, absentees, lunatics, &c., *ib.*

Compensation to be made and how, *ib.*

Tenders may be made to parties refusing to agree on compensation, *ib.*

And possession taken, *ib.*

Proviso—as to costs of arbitration, *ib.*

How notice given, if owner non-resident, *ib.*

Possession may be taken after such notice, *ib.*

Property so acquired to be vested in the crown, *ib.*

Proceedings to discharge claims and incumbrances, s. 9.

Commissioners may discontinue part of a public road, substituting another, s. 10.

Provision as to roads so discontinued, *ib.*

Commissioners may take materials from off any land on making compensation, s. 11.

And may make roads thereto, *ib.*

When any work is available tolls may be collected under authority of Governor in council, s. 12.

Such tolls not to exceed maximum rates in schedule B, *ib.*  
*But the said Schedule is repealed and another substituted by 12 V. c. 4.*

Property acquired for the use of provincial works to be vested in the crown—including hydraulic powers, s. 13.

Governor in council may dispose of such property when not required, *ib.*

Duties of the commissioners, s. 14.

To make annual report, *ib.*

Minutes of their proceedings to be kept, *ib.*

Security to be taken from contractors, *ib.*

Lowest tender, when to be rejected, *ib.*

Commissioners not to exceed £100 expenditure without sanction of Governor in council, *ib.*

Applications for expenditure to be referred to commissioners, s. 15.

Expense of survey if required to be secured, *ib.*

## PUBLIC WORKS,

Maps and plans of any proposed work to be submitted to the Governor, s. 16.

Commissioners not to depart from the line shown in any map approved by the legislature more than 500 yards and deviation to be first approved by Governor in council, *ib.* *The limit of deviation is extended to one mile by 10, 11 V. c. 24, sec. 10.*

What shall be deemed acts of the commissioners, s. 17.

Regulations to be made for the proper using of any work completed, s. 18. *See also 12 V. c. 15, declaring the intent of this section.*

Governor in council may enact regulations for imposing tolls, &c., *ib.*

Imposing fines not to exceed £50, *ib.*

Officers and soldiers on duty to pass toll free over roads and bridges, s. 19.

Tolls and penalties, how recoverable, s. 20.

Provision as to tolls, penalties, &c., incurred with respect to timber passing any slide, *ib.*

Tolls to be paid by collector to the receiver general, *ib.*

To be deemed "duties" within the meaning of the Revenue management Act, 8 V. c. 4, *ib.*

No money granted for public works, to be expended, except under commissioners, s. 22.

Public works in schedule A. to be vested in Her Majesty, and under control of commissioners, s. 23.

Contracts for leases, &c., to enure to Her Majesty, *ib.*

Roads may be transferred to *district* councils, on certain conditions, *ib.*

Powers of *district* councils in such cases, *ib.*

Governor in council to appoint three arbitrators for Lower, and three for Upper Canada, s. 24.

Their duties, *ib.*

Their award to be subject to the control of courts, as other awards, *ib.*

Applications to set aside award to be made within one year, *ib.*

Allowance to arbitrators for their services, *ib.*

*Sect. 25, (unsettled claims for all damages before the passing of this Act, to be referred to such arbitrators,) is repealed by 10, 11 V. c. 24, s. 11.*

This Act not to affect pending actions, s. 26.

Arbitrators to be sworn, s. 27.

May summon witnesses, &c., compel production of papers, s. 28.

Arbitrators to consider the advantages as well as disadvantages of any work in claims for damages, s. 29.

No party to pay any sum to the Commissioners, for such advantages, *ib.*

Claims for damages to be brought within 12 months, s. 30.

*Repealed as regard claims having arisen before this Act, by 10, 11 V. c. 24, s. 11.*

Arbitrators to furnish commissioners with copies of their award, s. 31.

Duties of the secretary, s. 32.

## PUBLIC WORKS,

To have the charge of accounts, plans, contracts, &c., *ib.*  
 Commissioners may send for persons and papers, s. 33.  
 Accounts to be attested upon oath, if required, s. 34.  
 Warrants for payment to issue on commissioners certificates only, s. 35.  
 Amount not exceeding £500 at any one time, may be advanced to the secretary to meet disbursements, s. 36.  
 Detailed accounts of monies advanced or paid to be made up by the secretary, s. 37.  
 This Act not to authorise the payment of any greater sum for salary and expenses of Commissioners or secretary, than is authorised by the Union Act, s. 38.  
 Certain Acts of L. C. and of U. C., repealed, s. 39.  
 Accounting clause, s. 40.  
 Interpretation clause, s. 41.

10, 11 V. c. 24—1847.

Future contracts relating to public works to be made in the name of Her Majesty, s. 1.  
 Assistant commissioner may sign documents, &c., executed in the name of Her Majesty, s. 2.  
 Commissioners authorised within thirty days to tender sufficient amount to any party claiming damages, s. 3.  
 If tender not accepted, claim to be submitted to arbitration, *ib.*  
 Claimants to give security for the costs, *ib.*  
 The award of a majority of arbitrators to be valid, *ib.*  
 Subject to be set aside as provided by 9 V. c. 37.  
 Arbitrators expenses, *ib.*  
 Claims before the passing of this Act to be brought within nine months, s. 4.  
*Sect. 5 is repealed by 14, 15 V. c. 53.*  
 Walls, etc., taken down in executing public works to be replaced by commissioners, s. 6.  
 How to be kept up afterwards, *ib.*  
 Governor in council authorized to alter the place of toll-gates and vary the tolls, &c., within the maximum rate, s. 7.  
 Tolls may be farmed or leased, s. 8.  
 Timber passing slides may be detained until the tolls thereon are paid, s. 9.  
 Penalty on persons passing without paying such tolls, *ib.*  
 If tolls not paid within ten days, timber may be sold, *ib.* s. 16.  
 Commissioners authorized (notwithstanding, 9 V. c. 37, s. 16,) to deviate from maps or plans to a distance not exceeding one mile, s. 10.  
 Sec. 25 and part of sec. 30 of 9 V. c. 37, repealed.

12 V. c. 4—1849.

Schedules of maximum tolls annexed to 9 V. c. 37, repealed, s. 1.  
 The schedule to this Act substituted therefor, s. 2.  
 Fractions how computed : tolls may be modified from time to time, provided the maximum be not exceeded, s. 3.  
 As to works not included in the schedule, s. 4.

## PUBLIC WORKS,

Road from Dundas to Waterloo placed under commissioners of public works, s. 5.

Act to commence on the first day of May next, (1849,) s. 6.

12 V. c. 5—1849.

The Governor in council authorized to arrange for the transfer of any of the public roads, harbours, bridges or buildings to municipal authorities, or joint stock companies, &c., s. 12. *See also* Municipalities, and (as to companies) 16 V. c. 190. s. 89.

Transfer to be effected by order in council, s. 13.

Order in council to specify terms and conditions, *ib.*

Penalties for offences relative to, to remain in force, and how to be disposed of, *ib.*

12 V. c. 15—1849.

The same tolls to be payable on St. Lawrence canals, by vessels passing down the River, as if they had passed thro' the canals, s. 1.

The Governor in Council may be regulation authorize the seizure of vessels for non-payment of tolls, fines or damages, s. 2.

13, 14 V. c. 13—1850.

Commissioners authorized to take lands, waters, &c., in certain cases for the advantage of public works, though not actually occupied by such work, s. 1.

And alienate the same when no longer necessary, *ib.*

Claims for lands or damages, &c., when to be filed, s. 2.

Time and place of arbitration, s. 3.

*Sect. 4 is repealed* by 14, 15 V. c. 53, s. 4.

Rules to be observed by arbitrators, s. 5.

To be bound by stipulations in contract, s. 6.

As to interest, *ib.*

Penalties not to be deemed comminatory, *ib.*

Commissioners to make drains in certain cases, s. 7.

They shall be kept in repair by parties interested, *ib.*

Commissioners not to be sued, s. 8.

Disputes to be referred to arbitration, *ib.*

Commissioners to act on behalf of the Queen, s. 9.

Arbitrators to take evidence in writing, s. 10.

Clerks to be appointed to them, *ib.*

Clerks to furnish copies of papers, s. 11.

Appeal from award of arbitrators, s. 12.

What evidence admissible on appeal, s. 13.

Appeal to be made within four months, *ib.*

Notices on commissioners where to be served, s. 14.

Commissioners may allow moneys appropriated for roads to be expended by municipal authorities, s. 16.

14, 15 V. c. 53—1851.

The 5th sec. of 10, 11 V. c. 24, and sec. 4 of 13, 14 V. c. 13, repealed.

Powers of arbitrators to command attendance of witnesses extended to both sections of the province, s. 4.

## PUBLIC WORKS,

14, 15 V. c. 57—1851.

Municipal corporations empowered to acquire public roads, &c., within or beyond their limits, s. 1.

*The remainder of this Act is repealed by 16 V. c. 190.*

16 V. c. 160—1853.

Notwithstanding the 9 V. c. 37, and 10, 11 V. c. 24, arbitrators may be appointed otherwise than provided by said Acts, s. 1.

In what way to be appointed by the claimants and commissioners; to have the same powers as official arbitrators, *ib.*

Penalty on witnesses not attending, s. 2.

Claimants to give security, s. 3.

Awards when to be final, and when subject to revision, s. 4.

Costs by whom to be paid, s. 5.

Remuneration of arbitrators, *ib.*

## PUBLIC WORKS, COMPANIES, FOR THE PURCHASE OF.

*See Roads, &c.*—Companies for constructing, 16 V. c. 190, s. 59.

## PUBLIC WORKS, RIOTS NEAR,

*See Riots.*

## PUBLIC WORKS,

Loans for, *See Finance*—Grants for, *See Supplies.*

## PUBLIC WORSHIP,

4, 5 V. c. 27—1841.

Penalty not exceeding £5 for wilful disturbance of, s. 31.

Committal in default of distress, for not exceeding one month, s. 32. *See also, 4 W. 4, c. 4, ss. 6, 7.*

## PUNISHMENT, BETTER PROPORTIONED TO OFFENCES.

6 V. c. 5—1842.

So much of the 4, 5 V. c. 24, 25, 26, 27, or of any other law as is inconsistent with this Act, repealed, s. 1.

Offenders liable to imprisonment in penitentiary or instead thereof in any other prison for term not exceeding two years, may be imprisoned in penitentiary for not less than three years, s. 2.

Imprisonment if awarded for more than two years to be in the penitentiary, s. 3, (*but now if for two years, by 14, 15, V. c. 2, s. 2.*)

Imprisonment in the penitentiary substituted for transportation, s. 4

Assault with intent to commit rape or buggery, how punishable, s. 5.

## Q U A

## QUAKERS, MENONISTS, TUNKERS, AND MORAVIANS,

10 G. 4, c. 1—1829.

Allowed to affirm in criminal cases upon making a certain declaration, s. 1.

**QUAKERS, MENONISTS, TUNKERS, AND MORAVIANS,**

False affirmation to be deemed perjury, s. 2.

*Sect. 3 (Quakers, &c., not to be Jurors in criminal cases,) is repealed by 14, 15 V. c. 65, s. 2.*

18 V. c. 77—1855.

All persons bearing certificates from the society of Quakers, &c., exempted from military duty, s. 7.

Claim with affidavit, to be filed with commanding officer of the company one month before benefit allowed, *ib.*

*See also, Menonists.*

**QUAKERS' SEMINARY,**

Trustees of, incorporated, 10, 11 V. c. 104.

**QUARANTINE,**

*See Emigrants and Quarantine.*

**QUARTER SESSIONS, COURTS OF,**

41 G. 3, c. 6—1801.

Doubts removed with respect to the authority for holding.

47 G. 3. c. 11—1807.

To regulate fees to clerks of the peace, and costs in, s. 1.

By whom costs shall be paid, s. 2.

7 W. 4, c. 4—1837.

Jurisdiction in, in cases of simple larceny, s. 2.

Power to punish, by transportation, banishment, or imprisonment, ss. 3, 4. *See also 4, 5 V. c. 25, s. 2.*

May leave cases for the assizes, s. 5.

Value of goods stolen being proved above £20, not to affect the jurisdiction of the court if not laid at more in indictment, *ib.*

7 W. 4, c. 6—1837.

Not to sentence to the penitentiary for more than two years, s. 2. *See also 4, 5 V. c. 24, 25, 26, 27.*

7 W. 4, c. 11—1837.

Times and places of holding, s. 2. *But see 7 V. c. 32, as to times,—and 12 V. c. 78, s. 2, 3, 4, &c., substituting Counties for Districts, and directing Courts to be holden for Counties instead of Districts.*

Place of holding may be changed by the Governor in time of war or other exigency, s. 4.

7 V. c. 32—1843.

Time of holding, throughout Upper Canada, to be on the first Tuesdays in January, April and July, and on the third Tuesday in November.

8 V. c. 13—1845.

Senior judge of district court to preside as chairman, and in case of his absence, the justices to elect, s. 3.

8 V. c. 38—1845.

Justices in quarter sessions to frame table of fees for services by sheriff, coroner, clerk of the peace, constable and crier, s. 1.

To be laid before the judges for approval, *ib.* *See Fees.*

## QUARTER SESSIONS, COURTS OF,

18 V. c. 92—1855.

Commission of the peace need not be read at the opening  
of the court, in Upper Canada, s. 39.

## QUEBEC BANK,

Charter amended, 4, 5 V. c. 94.

And by 10, 11 V. c. 114.

And by 14, 15 V. c. 156,

And by 16 V. c. 143.

Again, and capital increased, &amp;c., 18 V. c. 40.

## QUEBEC FIRE LOAN,

9 V. c. 62—1846.

Loan of £100,000 to be raised on credit of the Province for  
relief of sufferers by the great fire at Quebec, s. 1.

## QUEBEC AND HALIFAX RAILWAY,

See Railways.

## QUEBEC AND LAKE SUPERIOR MINING COMPANY,

Incorporated, 10, 11 V. c. 69.

## QUEEN'S BENCH,

See Common Law, Superior Courts of.

## QUEEN'S COLLEGE, KINGSTON,

Substituted for University at, 9 V. c. 89.

## QUEENSTOWN AND GRIMSBY ROAD,

For macadamizing, 7 W. 4, c. 82.

## QUEENSTON AND NIAGARA,

See Niagara, &amp;c.

## QUEENSTON SUSPENSION BRIDGE COMPANY,

Incorporated, 12 V. c. 199.

## R A I

## RAILWAYS, GENERALLY,

## GENERAL PROVISIONS.

10, 11 V. c. 63—1847.

All By-Laws imposing Tolls to be subject to approval of  
Governor in Council, whenever power to amend the Act  
of incorporation has been reserved in it, s. 14. *See also*  
12 V. c. 10, *directing that all future Acts shall be con-*  
*strued as containing such reservation.*

12 V. c. 28—1849.

To provide for services to be rendered to the government  
by Railway Companies when required.



## RAILWAYS, GENERALLY,

Companies whose charters contain a provision that they shall be subject to any general Railway Act, bound, when required, to carry the mail, naval and military forces, stores, police force, &c., s. 1.

And to place any electric telegraph they may have, at the disposal of the government, *ib.*

Compensation for such services, how to be settled, *ib.*

By-laws of, imposing tolls, &c., not to be valid until approved by the Governor in council, s. 2.

14, 15 V. c. 51—1851.

To consolidate and regulate general clauses relating to.

Act to apply to all railways to be hereafter constructed, s. 1.

Short title of this Act, s. 2.

How its provisions or any of them shall be incorporated with any special Railway Act, s. 3.

Powers for constructing any Railway, to be exercised, subject to this Act, s. 4.

*Secs. 5, 6, are repealed by 16 V. c. 2*

Interpretation clauses, s. 7.

Incorporation clauses, and powers incident to incorporation, s. 8, 9.

Clauses relating to plans and surveys, s. 10. *See also 16 V. c. 169, s. 4, 8.*

Clauses relating to lands, valuation, &c., s. 11.

Clauses relating to highways and bridges, s. 12.

Clauses relating to fences, s. 13.

Clauses relating to tolls, s. 14.

Clauses relating to general meetings of shareholders, s. 15.

Clauses relating to directors—their election—duties, s. 16.

Clauses relating to shares, and transfer of, s. 17.

Municipalities authorized to take stock in and make loans to, and issue debentures for: Their rights in the management of the Company, &c., s. 18. *See also Municipalities.*

Clauses relating to shareholders, their liabilities, &c., s. 19.

Clauses relating to actions for indemnity, fines and penalties, &c., s. 20.

Clauses relating to working of the railway, viz :—

1. Servants to wear badges ;
2. Trains to start at fixed hours ;
3. Checks to be fixed on parcels ;
4. Baggage-cars not to be in rear of passenger-cars ;
5. Locomotive to be furnished with bells or steam-whistles ;
6. Passengers refusing to pay fares may be put out ;
7. Conductor becoming intoxicated on railway, guilty of misdemeanor ;
8. Passengers on the platform of any car, or on any baggage, wood, or freight train, to have no claim for injury, if sufficient room in passenger-cars.

## GENERAL PROVISIONS, s. 22 :

1. Company not bound to see to the execution of trusts ;
2. To carry the mail, military stores, &c., upon such terms as the Governor in council shall make, and to

## RAILWAYS, GENERALLY,

place their electric telegraphs, if any, at the disposal of the Government :

3. To keep an account of the names and residences of shareholders ;
4. A map and profile of the railway completed, and of the land taken, &c., to be filed in the office of the board of works ;
5. Account of annual receipts and expenditure to be laid before parliament ;
6. Railway to be commenced, and *ten* per cent on the capital expended within three years from passing of special Act, and railway put in operation within *ten* years, otherwise corporate powers to cease ;
7. Parliament may reduce the tolls but not under 15 per cent on the capital expended ;
8. Company not bound to carry goods of an inflammable or dangerous nature ;
9. Forging debentures, or *coupons* to be felony ;
10. Company bound to make and repair fences in Lower Canada ;
11. Special Act to be deemed a public Act ;
12. Parliament may at any time annul or dissolve any corporation formed under this Act ;
13. Saving clause of Her Majesty's rights ;
14. Amendment of this Act not to be deemed an infringement of the rights of any Company.

14, 15 V. c. 67—1851.

Canals or railways may, with consent of the Governor in council and Lord High Admiral, be constructed upon lands reserved for military or naval purposes and vested in admiralty, s. 39.

16 V. c. 2—1852.

The 5th and 6th sections of the 14, 15 V. c. 51, repealed, s. 1.

Railway bills then pending to be dealt with as if the said clauses had never been passed, s. 2.

16 V. c. 169—1853.

Any person maliciously displacing or removing any railway switch, or rail, &c., or placing any obstruction thereon, to be guilty of misdemeanor, s. 1.

To be guilty of felony, if damage by actually done, *ib.*

If death ensue in consequence, to be guilty of manslaughter, s. 2.

Committing any injury causing stoppage or obstruction, &c., to railway works, misdemeanor, s. 3.

The time allowed for deposit of plans, &c., extended, with power to commissioners of public works to grant further extension, s. 4.

Heads of municipalities not to vote on the election of private directors, unless specially provided for by Act of incorporation, s. 6.

Railway trains to stop three minutes before passing any drawbridge, &c., under the penalty of £100, s. 6.

## RAILWAYS, GENERALLY,

Ground adjoining railway, belonging to company, to be laid down with grass, and cleared of thistles and weeds, s. 7.  
 Doubts removed under the 14, 15 V. c. 51, respecting lands vested in Her Majesty; and no such land to be taken without consent of Governor in Council, s. 8.

Railway companies not to cross any navigable river or canal, &c., except on complying with certain requirements and approval of Governor in Council, *iq.*

Branch railways may be constructed on certain conditions, and within certain limits, s. 9.

This Act to apply to all railways made, or to be made, s. 10.

18 V. c. 92—1855.

Maliciously doing certain things to cause accidents upon, felony, and how punishable, s. 32.

Maliciously throwing, &c., any thing against a railway carriage with intent to injure any one, felony, and how punishable, s. 33.

Setting fire to station, &c., or goods therein, felony, and how punishable, s. 34.

## PROVINCIAL GUARANTEE.

12 V. c. 29—1849.

To afford the provincial guarantee to.

How obtained and on what conditions, s. 1.

Not to exceed one half the cost of the Road, *ib.*

Line to be at least 75 miles in length, *ib.*

Amount limited in proportion to expenditure on the Railway, *ib.*

Province to have the first lien on the Railway, *ib.*

No dividend to be paid until interest of the sum guaranteed and a Sinking Fund are provided for, *ib.*

*But see further conditions and limitations in 14, 15 V. c. 73, ss. 16 to 22.*

Companies receiving such guarantee to render half yearly accounts on oath to inspector general, s. 2.

Sinking fund moneys, how to be invested, s. 3.

Further conditions may be agreed upon by the Governor in council and the company, s. 3.

Aid to the Quebec and Halifax railway, s. 5. *But see 14, 15 V. c. 73, s. 2, and also 16 V. c. 38, providing for the making of this Railway by the Trois-Pistoles Railway Company, or some other in its default.*

Provisions under which lands may be taken for such railway, s. 6.

Moneys advanced under this Act to be paid out of the consolidated revenue and to be a debt to the Crown, s. 7.

## MAIN TRUNK LINE AND PROVINCIAL GUARANTEE.

14, 15 V. c. 73—1851.

The public debt of the province not to be increased, &c., except for the guarantee under 12 V. c. 29, to which the St. Lawrence and Atlantic, the Great Western, and the Ontario Simcoe and Huron Railway, are entitled, and as hereinafter provided, s. 1.

**RAILWAYS, GENERALLY,**

Quebec and Halifax railway : under what conditions to be made, s. 2. *See note* to s. 5 of 12 V. c. 29.

Certain ungranted lands may be appropriated, *ib.*

Expenses, how to be paid, s. 3.

A Main Trunk Line of Railway from Quebec to Hamilton may be made with provincial funds raised on the imperial guarantee, s. 4.

If guarantee not obtained, railway then to be made at the joint expense of the province, and municipal corporations, s. 5.

Provision authorising municipalities to raise the amount by by-laws and for the issue of government debentures, ss. 6, 7.

Total amount to be raised not to exceed £4,000,000 currency, s. 8.

Monies raised on the credit of the two funds to be expended in equal proportions, s. 9.

In what cases the municipalities liable for interest on amounts subscribed by them, s. 10.

A sinking fund to be established, and how, s. 11.

Provision, in case municipal sinking fund insufficient, s. 12.

Railway to be a provincial work, and the powers of the commissioners of public works as to taking lands, &c., extended to it, s. 13.

The governor in council to determine the line, *ib.*

Commissioners of public works authorised to treat with certain companies in Lower Canada for the purchase or use of their roads, s. 14.

*Sections 2 to 14, inclusive, though not repealed, appear to be superseded, arrangements having been made for the construction of the Line by Private Companies, from Halifax to Hamilton.*

Provision for constructing the railway by private companies, in case the public undertaking found impracticable, s. 15.

The guarantee under the 12 V. c. 29, restricted to railways forming part of the Main Trunk Line (including the St. Lawrence and Atlantic) the Great Western and the Ontario Simcoe and Huron, s. 16.

A board of railway commissioners constituted, s. 17.

No railway company entitled to guarantee until the board shall have examined and approved the line and certified certain particulars, for the security of the Province, s. 18.

Railways over 100 miles long may be divided into sections, and guarantee given for each section, s. 19.

Guarantee not to be given until the commissioners report the land required to be purchased and paid for, and at least half the cost of the Railway paid, &c., s. 20.

Contracts for railways for which the guarantee is given, to be first submitted to the board, s. 21.

Guarantee may be extended to the principal as well as the interest of debentures on certain conditions, s. 22.

Or Provincial Debentures issued for the amount, in exchange for bonds of the Company, for which the same lien on the Railway shall exist, *ib.*

All inconsistent enactments repealed, s. 23.

## RAILWAYS, (MAIN TRUNK LINE)

Interpretation, and accounting clauses, ss. 24, 25.

14, 15 V. c. 74—1851.

The words "the Great Western Railroad" in the above Act to comprehend the whole line from Niagara river to Detroit.

16 V. c. 39—1852.

Any two or more railway companies forming part of the Main Trunk Line, may unite together as one company or may purchase each other's property and rights, &c., s. 1.

Directors, may agree on the terms, &c., s. 2.

Special general meeting to be called to ratify or disallow the agreement, s. 3.

Effect of ratification, s. 4.

Companies to form one body corporate: rights of the Crown or of private parties, not to be affected, *ib.*

Railway property purchased to be vested in company purchasing, subject to all liabilities, s. 5.

The company selling to retain their corporate capacity for effecting transfer, s. 6.

Rights of the company after purchase or union, with regard to third parties, how to be governed, s. 7.

Provision respecting the joint capital, or increase of capital by company purchasing, s. 8.

Further legislative provision will be made if necessary, s. 9.

The Montreal and Kingston railway Act, and the Kingston and Toronto railway Act, repealed.

16 V. c. 76—1852.

The said Act (16 V. c. 39) extended to railways which intersect the main trunk line—or touch places which the said line also touches, s. 1.

Provision as to corporate name, directors, &c., if one of the amalgamated Companies be the Grand Trunk Railway Company, s. 2.

And if neither be so, s. 3.

## GRAND TRUNK RAILWAY.

16 V. c. 37—1852.

Gauge to be five feet six inches, s. 3.

Capital not to exceed *three millions* sterling, s. 4. *See below.*

Nine directors to be appointed by Government in consideration of the provincial guarantee, s. 5.

Government may purchase the railway, &c., at the end of 21 years from 1st January, 1853, on certain conditions, ss. 26, 27.

Guarantee to the company not to exceed £3,000 sterling per mile, but may be given for £40,000 whenever and as often as £100,000 is expended, provided the £3,000 per mile be not exceeded, s. 38.

Company may renounce the guarantee, in which case the Government directors shall retire, s. 39.

16 V. c. 75—1853.

Railway bridge (Victoria) over the St. Lawrence at Montreal may be made by the Grand Trunk Railway Company

## RAILWAYS, (GRAND TRUNK)

or any company which may be amalgamated with it, s. 1.  
 Powers and rights of the company as to such bridge, s. 2:  
 Plans must be approved by the Governor in council, &c.,  
 ss. 3, 4.

Provisions limiting or requiring sanction of tolls, not to apply,  
 s. 5.

Other companies may agree for use of bridge, s. 6.

Company constructing may increase its capital by £1,500,000  
 sterling, s. 7.

Other companies may take stock, construct works for con-  
 necting their railways with the bridge, and raise money  
 for such purposes. *ib.*

Provincial guarantee not to extend to the bridge, and sepa-  
 rate accounts to be kept as to it, s. 8.

Must be commenced in two and completed in five years,  
 s. 9, *But see below* 18 V. c. 33, ss. 5, 6.

18 V. c. 33—1854.

Union of Grand Trunk Railway Company with—Trois Pis-  
 toles Railway Company—Grand Junction Railway Com-  
 pany—Toronto and Guelph Railway Company—Quebec  
 and Richmond Railway Company—St. Lawrence and  
 Atlantic Railway Company—and agreement for such  
 union, confirmed; and Victoria bridge to form part of  
 works of the company, ss. 1, 2.

United company to be called *The Grand Trunk Railway  
 Company of Canada* s. 3.

Railway Clauses Act to apply when not inconsistent with  
 special provisions, s. 4.

Governor in council may extend the period for completing  
 works forming part of the company's works, ss. 5, 6.

Increase of capital, and how to be raised, s. 7, &c.

Lien for the provincial guarantee, to be general upon the  
 whole railway and works of the company, instead of spe-  
 cial on each separate railway, s. 20.

Debentures may be issued for £40,000 whenever £100,000  
 expended by the company, &c., until the full amount of  
 guarantee (£1,811,500) sterling is reached, *ib.*

Certificate required before such issue, *ib.*

Entire guarantee, including £400,000 to St. Lawrence and  
 Atlantic Company, not to exceed £2,211,500 sterling, *ib.*

No debentures to be given on account of Quebec and Rich-  
 mond Railway beyond the £717,500 already issued, *ib.*

No guarantee to be given for any branch railway to be  
 hereafter constructed, *ib.*

Nor on account of any railway hereafter to be amalgamated  
 with the Grand Trunk, unless it forms part of the direct  
 line from Trois Pistoles to Sarnia, *ib.*

Nor shall more than £100,000 be given on account of ex-  
 penditure on Victoria bridge, *ib.*

Lease of American railway (Atlantic and St. Lawrence) to  
 the company, confirmed, s. 21.

16 V. c. 33—1852. (Trois Pistoles).

Company may extend the Trois Pistoles Railway to the  
 eastern limits of the province, s. 27.

**RAILWAYS, (GRAND TRUNK)**

No guarantee to be given for such extension, but one million of acres of land in the counties of Rimouski and Bonaventure may be granted to the company, s. 29.

18 V. c. 174—1855.

Governor in council may issue debentures for not exceeding £900,000 sterling, and advance the sum so raised to the company as an aid by loan, in addition to the aid to which they are entitled by the provincial guarantee, s. 1.

Under such conditions as the Governor in council may think proper to impose in addition to the following, viz :

Total aid by loan and guarantee, never to exceed 50 per cent on the sum actually expended on the works, *ib. art. 1.*

Total sum advanced under this Act never to exceed 75 per cent on the sum actually so expended after the 1st May, 1855, on the works between St. Thomas (below Quebec) and Stratford, Upper Canada, exclusive of Victoria Bridge and repairs, *ib.*

Company not to pay or advance any money from whatever source derived, on the Victoria Bridge, until the line from St. Thomas to Stratford is in operation, *ib.*

Loan to be a first charge on all the works and property of the company ; interest payable half yearly, and principal in not more than 20 years, *ib. art. 2.*

Proviso in favour of certain prior charges on the St. Lawrence and Atlantic Railway, *ib.*

Lien, &c., of the Crown as for the guarantee, *ib. art. 3.*

Governor in council may have the work inspected, and withhold advances if the report be not satisfactory, *ib. art. 4.*

Moneys repaid by company to form part of Consolidated Revenue Fund, s. 2.

*Though the Grand Trunk railway is a private undertaking, yet the work is so important and the provincial interest in it (through the guarantee and loan) so great, that it was thought right to refer to the foregoing provisions in the Acts relating to the company.*

**RAILWAY COMPANIES, (PRIVATE ACTS,)**

*See Supplement, and the Companies by their corporate names.*

**RAINHAM, TOWNSHIP,**

Annexed to Niagara district, 7 G. 4, c. 13.

**RANDALL, J.,**

Pension to, 3 V. c. 65.

**RAPE,**

4, 5 V. c. 27—1841.

Punishable with death, s. 16. *See also* 3 W. 4, c. 3, s. 5.

— 6 V. c. 5—1842.

Assault with intent to commit, how punishable, s. 5.

**REAL AND MIXED ACTIONS,**

4 W. 4, c. 1—1834.

Abolished, except for dower and ejectment, s. 39.

**REAL ESTATE OR PROPERTY,**

43 G. 3, c. 4—1803.

Patents issued to two or more persons and their heirs previous to the 1st July, 1800, to enure to the grantees as tenants in common, and not as joint tenants, s. 1.

Rights of purchasers, mortgagees, &c., not to be impeached, s. 2.

2 W. 4, c. 7—1831.

To confirm titles derived through aliens.

2 W. 4, c. 35—1832.

Partition of provided for. *See also* Partition.

4 W. 4, c. 1—1834.

Act to amend the law relative to.

Descent how to be traced, s. 1.

Heir entitled under will to take as devisee, s. 2.

Heirs, taking by purchase, under limitation to heirs of their ancestor, s. 3.

Descent of brothers and sisters to be traced through their parent, s. 4.

Lineal ancestor to be heir in preference to collaterals claiming through him, s. 5.

Male line to be preferred, s. 6.

Mother of the more remote male ancestor to be preferred to the less remote, s. 7.

Half blood to inherit after the whole blood, when, s. 8.

After death of person attainted his descendants may nevertheless inherit, s. 9.

Entry by the heir not necessary to complete title under him, s. 10.

*But see Primogeniture, the provisions of the Act 14, 15 V. c. 6, being later than the foregoing and controlling them where they differ.*

Act not to extend to any descent before 1st July, 1834, s. 11.

As to limitations made before 1st July, 1834, s. 12.

Widows entitled to dower out of certain equitable estates, s. 13.

Seizin not necessary to give title to dower, s. 14.

Certain descriptions of dower abolished, s. 15.

No land or rent recoverable after 20 years from the time the right to it accrued, s. 16.

When such right shall be held to have first accrued, s. 17.

Administrator how to claim in chattel cases, s. 18.

When right of action shall accrue under tenancy at will, s. 19.

When under tenancy from year to year, s. 20.

When, in case of wrongful receipt of rent, s. 21.

Mere entry not to be deemed possession, s. 22.

Continual claim not to preserve right of entry, s. 23.

Possession of one coparcener, &c., not to be deemed the possession of the others, s. 24.

Possession of a younger brother, not possession of the heir, s. 25.

Right of action when held to accrue in case of written acknowledgment, s. 26.



## REAL ESTATE OR PROPERTY,

Where no such acknowledgment given before this Act nor possession adverse, right of action not barred until the end of five years from the passing of this Act, s. 27.

When right to accrue as to persons under disabilities, s. 28.

No action to be brought after forty years, s. 29.

Further time not allowed in case of succession of disabilities, s. 30.

Estate in possession barred, shall also bar the future rights of party, s. 31.

No suit in equity to be brought after the time when right at law barred, s. 32.

Right of cestuique trust against trustees to accrue from sale to purchaser, s. 33.

In case of fraud, time to run from discovery of, s. 34.

Saving equity jurisdiction on the ground of acquiescence, s. 35.

Mortgagor when to be barred, s. 36.

Right of entry extinguished at the termination of period limited by this Act for making entry, &c., s. 37.

Receipt of rent, to be deemed receipt of profit, s. 38.

Real and mixed actions abolished, s. 39.

Except dower and ejectment, *ib.*

Temporary saving clause as to cases, &c. ss. 40, 41.

No descent cast, warranty, &c., to bar right of entry, s. 42.

Money, legacies, &c., charged upon land, not recoverable after twenty years, unless payment on account, or written acknowledgment, s. 43.

No arrears of dower recoverable for more than six years s. 44.

The same in respect to rent or interest, s. 45.

Corporations aggregate may convey by bargain and sale, s. 46.

Deeds of bargain and sale not required to be enrolled, s. 47.

Registration of, necessary to protect against subsequent purchasers, *ib.*

Grantees and devisees, &c., to take as tenants in common unless otherwise expressed, s. 48.

After acquired estates, when to pass under will, s. 49.

A devise of land to include all testator's interest unless contrary appears, s. 50.

Two witnesses only necessary to a will, s. 51.

They need not subscribe in presence Testator, *ib.*

Defendants in ejectment without title not allowed to take formal exceptions to lessor's title, against the merits, s. 52.

Remedy against overholding tenants, s. 53, 54, 55, 56, 57, 58. *See Overholding Tenants.*

May be called upon to show title, *ib.*

Interpretation clause, s. 59.

Act not to be retrospective, in certain cases, s. 60.

9 V. c. 11—1846.

For substitution of more simple modes of assurance in lieu of fines and recoveries.

*See Fines and Recoveries.*

**REAL ESTATE OR PROPERTY,**

12 V. c. 71—1849.

Interpretation of certain words in this Act, s. 1.

The words "grant," "exchange," not to imply warranty or right of re-entry, s. 6.

Receipts of trustees to be effectual discharges, unless the contrary expressed in the instrument, s. 10.

Remedies for rent, and covenants in a lease, not extinguished by merger of the immediate reversion, s. 12.

Any interest in lands which might be conveyed under this Act, to be bound by judgments, s. 13.

Act to take effect after 31st December, 1849, s. 14.

*The sections not referred to are repealed by 14, 15 V. c. 7.*

12 V. c. 197—1849.

Aliens generally may hold and transmit real estate as natural born British subjects, s. 12.

14, 15 V. c. 7—1851.

Certain sections of 12 V. c. 71, repealed, s. 1.

All corporeal hereditaments deemed to lie in grant, s. 2.

Fooffments, unless by deed, to be void, s. 3.

Partition and exchange, and leases, &c., unless by deed, to be void, s. 4.

Contingent and future interests, &c., may be disposed of by deed, s. 5.

Certain contingent remainders to take effect notwithstanding determination of the preceding estate, s. 6.

Effect of the surrender or merger of the reversion expectant on a lease, s. 7.

Executor of a deceased mortgagee empowered, upon payment of principal and interest, to convey or release the legal estate, s. 8.

The 13th section of the 12 V. c. 71, 1849, to extend to any estate that may be disposed of under the 5th section of this Act, s. 9.

*See also* Conveyances—Crown Debts—Dower—Dormant Equities—Ejectment—Equitable Estates—Equity of Redemption—Execution—Fines and Recoveries—Foreclosure—Infants—Leases—Limitation of Actions—Married Women—Memorial—Mortgage—Mortgagee—Mortgagor—Partition—Prescription—Primogeniture—Registry Laws—Rent—Replevin—Sale of Lands—Surveyors—Tenant—Warranty—and *Supplement*.

**REBELLION,**

1 V. c. 12—1838.

To indemnify and protect persons, for acts done in suppression of.

12 V. c. 13—1849.

Her Majesty's general pardon granted to offenders.

**REBELLION LOSSES,**

Provision for payment of, to certain persons, 2 V. c. 68.

**REBELLION LOSSES, UPPER CANADA,**

3 V. c. 76—1840.

To provide for, and appointment of commissioners to investigate claims.

**REBELLION LOSSES, UPPER CANADA,**

4, 5 V. c. 39—1841.

Period for sitting of commissioners extended.

Their powers extended to certain claims not before provided for, s. 2.

8 V. c. 72—1845.

The Governor in council authorized to issue debentures to the amount of £40,000 currency to claimants under the 3 V. c. 76, and 4, 5 V. c. 39, bearing interest, payable half-yearly, s. 1

Amount to be apportioned if claims exceeding grant, *ib.*

Moneys arising from tavern licenses in Upper and Lower Canada appropriated to municipal purposes, s. 3.

Upper Canada share chargeable with debentures to be issued under this Act, s. 4. *But see* Liquors, Spirituous.

10, 11 V. 33—1847.

The Governor in council authorized to issue debentures for £3,613 8s. 9d. for paying balance of certain awards.

**RECEIVERS, (OF STOLEN GOODS,)**

4, 5 V. c. 25—1841.

May be tried as accessories after the fact, or for a substantive felony, s. 46.

Where original offence a misdemeanor, may be prosecuted for misdemeanor, s. 47.

Where to be tried, s. 48.

Of property in cases punishable on summary conviction, how triable, s. 52.

*See also* 18 V. c. 92, ss. 17, 18, &c.

**RECIPROCITY WITH THE UNITED STATES,**

18 V. c. 1—1854.

Act to give effect to treaty with the United States of America, signed the 5th day of June, 1854.

Upon treaty taking effect, articles enumerated in schedule, being the growth and produce of the United States to be admitted free of duty, so long as treaty remains in force, s. 1.

The Governor in council authorized to make orders for carrying such treaty into effect, s. 2.

Act 12 V. c. 3, repealed, s. 3.

Schedule of articles to be free of duty.

18 V. c. 81—1855.

Bonds and duties mentioned in the preamble and paid or given in contemplation that the goods would be free under the Treaty, may be cancelled and remitted, s. 1.

The duty payable under the 18 V. c. 5, declared payable on the overproof of certain spirits, s. 2.

**RECIPROCITY WITH BRITISH NORTH AMERICAN COLONIES,**

13, 14 V. c. 3—1850.

The Governor in council authorized to admit the produce of, duty free, and when.

## RECOGNIZANCE,

4, 5 V. c. 24—1841.

Not to be estreated in certain cases without judge's order,  
s. 49.

*See also* Estreats.

## RECORD,

4, 5 V. c. 25—1841.

Stealing, or fraudulently removing, obliterating or destroying any record, writ or proceeding of any court of justice, to be a misdemeanor and how punishable, s. 25.

14, 15 V. c. 14—1851.

Certain fees to be paid on entering for trial or assessment,  
s. 7.

Court may order records to be entered on the first day of sittings, s. 14.

## RECORDER, RECORDER'S COURT,

12 V. c. 81—1849.

May be established in each city, s. 93, *as amended by* 13,  
14 V. c. 64.

In case of recorder's absence, the mayor or one of the aldermen to preside, *ib.*

Court to have the like jurisdiction within the city and liberties as the quarter sessions had, *ib.*

To hold quarterly sessions on the first Monday in January, April, July and October, s. 20 of 16 V. c. 181, *substituted for* s. 94 of *this Act*.

Inhabitants of cities exempt from serving on juries except at city courts, and trials at bar in the Superior Courts, s. 95, *as amended by* 13, 14 V. c. 64.

Grand jury of whom to consist, s. 96.

To be summoned by the high bailiff, *ib.*

Petit jury Panels to contain not less than 36 nor more than 60 persons and how summoned, s. 97.

Jury to be residents of the city or liberties, s. 98.

Grand jury to have authority over offences committed within the cities or liberties, s. 99.

Process and proceedings to be the same as in quarter sessions, s. 100.

Defendant's costs on acquittal may be paid out of the city funds, s. 101.

Recorder empowered to suspend high bailiff and constables and to make new appointment *pro tem.*, s. 102.

Clerk of the common council, and such other persons as the corporation may appoint, to be clerks of recorder's courts, s. 21 of 16 V. c. 181, *substituted for* s. 103, of *this Act*.

Recorders to be barristers of five years standing—and appointed by the crown—during pleasure, *ib.*

To be *ex officio* justices of the peace, *ib.*

Salary of, not less than £250 payable quarterly out of city funds, *ib.*

No recorder to be appointed until request made by corporation, *ib.*

Offices of recorder and police magistrate may be united, s. 105.

## RECORDER, RECORDER'S COURT,

14, 15 V. c. 117—1841.

Expenses of administration of Criminal justice in Recorders' Courts to be paid out of provincial funds.

## RECTORIES,

14, 15 V. c. 175—1841.

So much of the Imp. Act 31 G. 3, c. 31, as relates to, repealed.

## REEVE,

See Town Reeve.

## REFERENCE TO ARBITRATION,

See Arbitration.

## REFORMED PRESBYTERIAN CHURCH,

See Presbyterian Churches.

## REGIOPOLIS COLLEGE, KINGSTON,

Trustees of, incorporated, &c., 7 W. 4, c. 56.

Real property of, how to be held, &c., 8 V. c. 79.

## REGISTRARS, ACTS OF,

9 V. c. 32—1846.

Confirmed, *non obstante* error about the Great Seal.

## REGISTRATION OF BRITISH PLANTATION VESSELS,

8 V. c. 5—1845.

Commencement of Act, s. 1.

All persons claiming property in any ship or vessel over fifteen tons, to register the same and obtain a certificate, s. 2.

Form of certificate, *ib.*

The shares of different owners to be endorsed on certificate, *ib.*

Collectors of customs to make registry and grant certificates of ownership, s. 3.

Certificates of ownership to be granted to vessels at the ports to which they belong, s. 4.

Books of registry of ownership to be kept by the collector, s. 5.

Declaration to be made and subscribed before certificate of ownership is granted, s. 6.

Form of declaration, *ib.*

Vessels to be surveyed previous to certificate of ownership being granted and the master or owner to sign such survey if he concur in the description, s. 7.

Rule for admeasurement of tonnage, s. 8.

When the master in command is changed, such change to be indorsed on certificate of ownership, s. 9.

Name of the vessel not to be changed—to be painted on the stern, under penalty of £20, s. 10.

Builder's certificate to be produced on application for certificate of ownership, s. 11.

In case of alteration of any vessel beyond a certain extent, certificate to be granted *de novo*, s. 12.

**REGISTRATION OF BRITISH PLANTATION VESSELS,**

- Property in vessel to be transferred by bill of sale, s. 13.
- Bill not void by unimportant errors of recital, *ib.*
- Property in vessels to be divided into sixty-four parts or shares, s. 14.
- Declaration upon first registry to state the number of shares held by each owner ; provision as to partners ; *ib.*
- Not more than thirty-two persons to be owners at one time, s. 15.
- Equitable title of minors, &c., not to be affected, *ib.*
- Nor rights of any joint stock company, appointing trustees, *ib.*
- Bills of sale not effectual until produced to the collector and registered, s. 16.
- Form of indorsement of transfer, *ib.*
- Collector to notify inspector general thereof, *ib.*
- Entry of bill of sale to be valid, except as against subsequent purchasers and mortgagees first registered, s. 17.
- Thirty days to elapse, before entry of any other bill of sale, s. 18.
- Nature of the priority intended by this Act, *ib.*
- Provision in case any certificate of ownership be lost or mislaid, *ib.*
- Bill of sale may be produced, after entry, at other ports, and transfer endorsed on certificate of ownership, s. 19.
- If upon certificate *de novo*, any bill of sale be not recorded the same to be then produced, s. 20.
- Upon change of property, certificates *de novo* may be granted, if desired, s. 21.
- Copies of declaration, and extracts from books of registry to be evidence at law, s. 22.
- As to transfers by way of mortgage, s. 23.
- Mortgagees not to be deemed owners, *ib.*
- Rights of mortgagees when registend, not affected by bankruptcy of mortgagor, s. 24.
- Penalty £100 stg. for false declaration, falsifying certificate, &c., s. 25.
- Penalties, how recoverable, s. 26.
- Act to cease whenever the Imperial Registry Act is extended to inland waters, s. 27.
- This Act is not compulsory, in so far that there is no penalty for not registering, except the loss of the benefit of its provisions.*

13, 14 V. c. 24—1850.

Provision for registration under the foregoing Act, of any vessel belonging to a body corporate, or limited partnership.

**REGISTRATION OF BRITISH VESSELS,**

See Imp. Act 17, 18 V. c. 104.

**REGISTRATION AND STATISTICS,**

10, 11 V. c. 14—1847.

Board of, constituted, s. 2. *Sections 5 to 15 are repealed.*  
See also Census and Statistics.

**REGISTRY LAWS, (REGISTRATION OF DEEDS, &c., AFFECTING  
REAL PROPERTY,)**

**4 W. 4, c. 1—1834**

Registration not essential to the validity of a deed of bargain and sale, s. 47.

The necessity of registry to prevent subsequent purchasers from gaining priority, to continue as before, *ib.*

**9 V. c. 32—1846.**

To confirm acts of registrars, until new commissions shall issue under the great seal.

**9 V. c. 34—1846.**

To consolidate and amend the law in Upper Canada.

Former Acts, 35 G. 3, c. 5, 37 G. 3, c. 8, 58 G. 3, c. 8, W. 4, 4, c. 16, repealed, s. 1.

Proceedings under said Acts to remain valid, s. 2.

A registry office to be kept in each county, s. 3.

And a Registrar to be appointed for each, s. 4.

Registrars may appoint deputies, s. 5.

What deeds and instruments may be registered, s. 6.

Deeds not registered to be void as against subsequent purchasers whose deeds are first registered, *ib.*

The same as to devisees, *ib.*

And as to further mortgages to the same mortgagee, *ib.*

Memorials must be put in writing and brought to the office, s. 7.

On what evidence to be registered, *ib.*

To contain certain particulars, s. 8.

*Sect. 9, (as to deeds executed in Upper-Canada but out of the County where the lands lie, on what evidence to be registered) is repealed by 16 V. c. 187, s. 6.*

When executed out of Upper Canada: Proviso as to wills, s. 10.

In case of the death of witnesses or their permanent residence out of the Province, s. 11.

Wills to be registered within twelve months after the death of testator, s. 12.

Proviso, if registration be prevented by unavoidable difficulty without the fault of the devisee, &c.,

Certificates of judgments to bind lands, how obtained, s. 13.

Registration and effect thereof, *ib.* See 13, 14 V. c. 63.

*Sect. 14. (Deeds of bargain and sale registered to be valid conveyances,) is repealed by 13, 14 V. c. 63, s. 6, for reasons stated.*

Hours and days of attendance at registry offices, s. 15.

*Sect. 16, (registrars fees,) is repealed by 16 V. c. 187, s. 8.*

False swearing to be perjury, s. 17. *So much of this Sect. as relates to forgery, is repealed by 10, 11 V. c. 9, s. 22.*

Act not to extend to leases not exceeding twenty-one years, &c., s. 18.

Fire proof offices and vaults to be provided, s. 19.

Registrar removing from the county, or becoming incapable may be removed, s. 20.

Registrar guilty of undue practices to forfeit office and liable to treble damages, s. 21.

REGISTRY LAWS, &c.,

Provincial secretary to provide register book for each township, (to be provided by the county by the 16 V. c. 187, sec. 3.) s. 22.

Registered mortgages and judgments, how discharged, s. 23.

Certificate of payment or of performance of condition to be effectual in certain cases, s. 24. *See* 10, 11 V. c. 16, s. 1. *The proviso to this Sect. is repealed by* 10, 11 V. c. 16, s. 2.

Registrar to take oath of office, s. 25.

Deputies to be sworn, s. 26.

Registrar to enter into recognizance with two or more sureties in £1000 for due performance of office, *ib.*

Need not register a deed until fees paid, s. 27.

In case of registrar's death, or surrender of office, recognizance to be void within one year if no misbehaviour, &c., s. 28.

Corporation seal sufficient evidence for registration, s. 29.

The governor may remove registry office to the County town, s. 30.

Surveyor general to furnish registrars with information as to original grantees, and with maps of towns and townships within their respective counties, s. 31.

Duty of registrar when a portion of the county is set apart, as another county, s. 32. *See* 16 V. c. 187, s. 2.

Maps of lands divided into lots and streets, &c., may be lodged by the owner in registry office, s. 33.

Certain united counties (*viz*: Lennox and Addington,—Prescott and Russell,—Lincoln and Welland,) to have one registrar until disunited, s. 34. *But see* 16 V. c. 187, s. 4.

10, 11 V. c. 16—1847.

What certificate is intended in sec. 24 of 9 V. c. 34.

Proviso, at the end of said section repealed, s. 2.

True effect of said certificate declared, *ib.*

13, 14 V. c. 63—1850.

Effect of judgment hereafter registered under s. 13 of 9 V. c. 34, s. 1.

How judgments registered shall affect lands, and from what time, s. 2.

Remedies of judgment creditors, *ib.*

Deeds, devises, &c., (including grants from the Crown, and Deeds patent thereof,) executed after the 1st January, 1851, to be registered, otherwise void not only against purchasers but against subsequent judgment creditors on registered judgments, s. 3.

Not to affect rights of equitable mortgagees, *ib.*

Registered deeds and judgments to have priority, according to date of registry, s. 4.

If not registered, then according to date of execution, *ib.*

Tacking declared productive of injustice, *ib.*

Certain judges and officers in Lower Canada authorized to administer oath of due execution of any deed, &c., s. 5.

Sec. 14 of the 9 V. c. 34, repealed for reasons stated, s. 6.

Registration of certificate to be deemed registration of judgment, s. 7.



## REGISTRY LAWS, &amp;c.,

Registration to be deemed notice, s. 8.  
 Separate Register and index to be kept for judgments, s. 9.

14, 15 V. c. 9—1851.

Instruments creating debts to the Crown to be registered in  
 Q. B. at Toronto, *See* Crown Debts.

16 V. c. 182—1853.

Deeds of sale for taxes before 1851 to be registered under  
 the 6 G. 4, c. 7, notwithstanding repeal, s. 66.

16 V. c. 187—1853.

When any place detached from a county for registration  
 purposes, the books relating thereto to be delivered to  
 registrar of county to which such place is attached, s. 1.  
 A statement to be delivered of titles registered before *sepa-*  
*rate* books were kept for each place, *ib.*

This section to apply to places, in new counties, *ib.* *See also*  
 18 V. c. 127, s. 6.

Statements under sec. 32 of 9 V. c. 34, to be accompanied  
 with an index and certificate containing certain further  
 particulars, s. 2.

Register books to be hereafter furnished by the county, s. 3.  
 Each county returning a member to have a registry office;  
 provision until the office is established, s. 4.

One memorial sufficient, where a deed relates to lands in  
 several localities in the same county, s. 5.

Sec. 9 of the V. c. 34, repealed, s. 6.

On what proof memorials shall be received of deeds executed  
 in Upper Canada, but out of the county where the lands  
 lie, *ib.*

Memorials of letters of attorney may be registered, and how,  
 s. 7.

Fees payable to registrars, s. 8.

Registrars to keep books of receipts, and make annual returns  
 to the legislature, s. 9.

Sect. 16 of 9 V. c. 34, repealed, s. 10.

The word "county" interpreted, s. 11.

Sections 8, 9, 10 of this Act, to commence on the first of  
 January, 1854, s. 12.

Holidays at registry offices, s. 13.

18 V. c. 127—1855.

No judgment to be a charge on lands until registered, s. 1.

Judgment creditor not a necessary party to a bill of fore-  
 closure, unless judgment registered, s. 2.

The filing of any bill in chancery not to be notice until  
 certificate thereof registered, s. 3.

Decree of foreclosure to be registered, s. 4.

Memorials of deeds, &c., executed out of Upper Canada,  
 may be registered on affidavit sworn before judges of the  
 superior courts in Upper or Lower Canada, or before the  
 judge of any county court in Upper Canada, or circuit  
 court in Lower Canada, or a commissioner in Upper or  
 Lower Canada, or the registrar of the county where the  
 lands lie or his deputy, s. 5.

**REGISTRY LAWS, &c.,**

Registrars to deliver original memorials to registrars of counties to which any city, town or township may be attached, s. 6.

Default to be a misdemeanor, punishable by fine and forfeiture of office, *ib.*

Fees for services under this Acts, s. 7.

Commencement of Act; to it shall apply to judgments entered, bills fyled, &c., before its passing, s. 8.

**RELIGIOUS BODIES AND ASSOCIATIONS, (PRIVATE ACTS IN FAVOR OF,)**

*See Supplement,—and the several Bodies by name.*

**RELIGIOUS SOCIETIES,**

9 G. 4, c. 2—1828.

Certain denominations authorized to appoint trustees and hold lands, for the site of a church, meeting-house or chapel, or burying ground, s. 1.

*Sect. 2 (limiting the extent of lands), is repealed by 3 V. c. 73.*

Such deed to be registered within twelve months, s. 3.

Former conveyances to be valid if registered within twelve months, s. 4.

3 V. c. 73—1840.

So much of 9 G. 4, c. 2, as limits the quantity to five acres, or the purposes, repealed, s. 1.

Said denominations authorized to hold lands generally for the support of public worship, &c., statutes of mortmain to the contrary, &c., s. 2.

The same privileges extended to the Roman Catholic church, s. 3.

8 V. c. 15—1845.

Any religious society of christians may appoint trustees to hold land for the site of a church, chapel, meeting-house, burial ground, and residence for the minister, s. 1.

Conveyance to be registered within twelve months, s. 2.

12 V. c. 91—1841.

Time for registration extended twelve months from passing of this Act, s. 1.

Trustees authorized to alienate upon certain conditions, s. 2.

Proviso, as to lands given for special purposes, *ib.*

13, 14 V. c. 78—1850.

Trustees authorized to borrow money on mortgage for payment of church debts, s. 1.

16 V. c. 126—1853.

Deeds executed under former Acts to be valid if registered within twelve months after this Act, except against those who have taken possession in consequence of omission to register.

12 V. c. 92—1849.

Trustees of the Wesleyan methodist church authorized to sell, with consent of conference.

## RELIGIOUS SOCIETIES,

18 V. c. 119—1855.

Grantees by patent, or trustees, empowered to demise or lease for any term not exceeding twenty-one years, lands held in trust, s. 1.

Leases may contain a covenant for renewal, *ib.*

Former agreements for leases made by a majority of the trustees to be confirmed tho' for more than 21 years, s. 2.

Power to sue and distrain for rent, s. 3.

Leases must be previously assented to by a majority of the congregation, s. 4.

Not to affect lands required for a church, &c., *ib.*

Power to sell lands not required, s. 5.

Court of chancery to sanction deed of conveyance, *ib.*

Trustees to account yearly for rents, s. 6.

Jurisdiction of the court of chancery, s. 7.

*See also* Marriages.

## RELIGIOUS WORSHIP,

4, 5 V. c. 27—1841.

Wilful disturbance of, punishable by penalty not exceeding £5 upon summary conviction before one justice, s. 21.

*See also* 4 W 4, c. 4, s. 6.

## REMAINDER-MAN,

*See* Fines and Recoveries—Real Property.

## RENT,

4 W. 4. c. 1—1834.

Not recoverable after twenty years, s. 16.

Receipt of, deemed receipt of profits, s. 38.

Arrears of, not recoverable for more than six years, s. 45.

7 W. 4, c. 3—1837.

Executors, &c., may distrain for arrears, when, ss. 27, 28.

1 V. c. 16—1838.

Costs on distress for, under £20. *See* Distress.

12 V. c. 71—1849.

Remedies for, and covenants in a lease, not extinguished by merger of the immediate reversion, s. 12.

## REPLEVIN,

4 W. 4, c. 7—1834.

Remedy by, same as by laws of England, s. 1.

Proceedings by sheriff on writ of replevin, s. 2.

When *capias in withernam* may issue, s. 3.

By whom, and how writs to be executed, s. 4.

Proceedings after appearance, s. 5.

Notice in case of non-appearance of defendant, s. 6.

When distress not exceeding £15 writ may issue from district court, s. 7.

Rules of practice, &c., to be framed by court of Queen's bench, s. 8.

How far practice in England to prevail, s. 9.

Forms of replevin writs, bond and notice.

**REPLEVIN,**

14, 15 V. c. 64—1851.

To lie for any goods, chattels, deeds, books or writings, &c., wrongfully distrained, or otherwise wrongfully taken or detained, s. 1.

Form of the writ in such cases, *ib.*

Affidavit to be made before issuing the writ, s. 2.

Defendant not appearing Plaintiff may file appearance for him and proceed, s. 3.

Condition and amount of bond to the Sheriff, s. 4.

Where the action shall be brought, s. 5.

Sheriff's return, s. 6.

Pleadings, in such actions, s. 7.

Declaration to be adapted to the case, s. 8.

If defendant avows and justifies, *ib.*

What pleas and matters of defence defendant shall have, s. 1.

Sheriff authorized in certain cases to break open any house, &c., where the replevied property is concealed, s. 10.

18 V. c. 118—1855.

Act 14, 15 V. c. 64, not to extend to goods taken in execution by the sheriff.

**REPORTERS, (LAW)**

18 V. c. 128—1855.

Former Acts repealed, s. 1.

Law society authorized to appoint reporters to Queen's bench, court of chancery, and common pleas, s. 2.

Barristers at law only eligible and not to be appointed or removed without the consent of the Judges of the particular Court for which they are to report, *ib.*

Duty of reporters, and what shall be reported, s. 3.

Reports to be examined by Judges, *ib.*

Law Society authorized to make rules for reporting decisions of judges sitting apart in *banc* or chambers, s. 4.

And for reporting decisions in error and appeal, s. 5.

Reports to be printed and published when required, s. 6.

Salary of each reporter not to exceed £150 per annum, s. 7.

Salaries, payment of provided for, s. 8.

Present reporters to continue to hold office subject to removal, &c., s. 20.

**REPRESENTATION, PARLIAMENTARY,**

16 V. c. 152—1853.

To enlarge that of the people of this province.

Counties, ridings, cities and towns hereinafter mentioned to be those on which representation shall be based after the end of the present parliament, s. 1,—viz :

**LOWER CANADA.**

Description and boundaries of the several counties and electoral divisions, in Lower Canada, viz :

Gaspé — Bonaventure — Rimouski — Temiscouata — Kamouraska — L'Islet — Montmagny — Bellechasse — Lévis — Dorchester — Beauce — Megantic — Lotbinière — Chicoutimi — Tadoussac — Saguenay — Montmorency

## REPRESENTATION, PARLIAMENTARY,

Quebec, county of—Quebec, city of—Portneuf—Champlain—Three Rivers, town of—St. Maurice, county of—Maskinongé—Nicolet—Yamaska—Berthier—Joliette—Montcalm—L'Assomption—Terrebonne—Two Mountains—Argenteuil—Ottawa—Pontiac—Drummond—Arthabaska—Sherbrooke—Wolfe—Sherbrooke, town of—Compton, county of—Standstead—Shefford—Missisquoi—Missisquoi, east riding—Missisquoi, west riding—Richelieu—St. Hyacinthe—Rouville—Bagot—Iberville—Verchères—Chambly—Laprairie—St. John's—Napierville—Chateaugai—Beauharnois—Huntingdon—Soulanges—Vaudreuil—Laval—Montreal—Montreal, east riding—Montreal, west riding—Montreal, city of. *See 18 V. c. 76, changing the names of some of these Counties and altering the boundaries of others.*

## UPPER CANADA.

Counties, cities and towns to be bounded as they now are for the purposes of representation, except as hereinafter provided, s. 2.

Counties to include towns and villages, except such as are specially excepted, or declared to be electoral divisions, *ib.*

Counties of Huron and Bruce, and Lennox and Addington, united for representation—each union of counties to form an electoral division.

The following counties to be divided into ridings, each to form an electoral division :

County of York to be divided into three ridings, viz : North Riding, East Riding, and West Riding ;

Ridings described.

County of Middlesex to be divided into two ridings, viz : East Riding and West Riding ;

Ridings described.

County of Oxford to be divided into two ridings, viz : North Riding and South Riding ;

Ridings described.

County of Hastings to be divided into two ridings, viz : North Riding and South Riding ;

Ridings described.

County of Durham to be divided into two ridings, viz : East Riding and West Riding ;

Ridings described.

County of Northumberland to be divided into two ridings, viz : East Riding and West Riding ;

Ridings described.

County of Ontario to be divided into two ridings, viz : North Riding and South Riding ;

Ridings described.

County of Wentworth to be divided into two ridings, viz : North Riding and South Riding ;

Ridings described.

County of Lanark to be divided into two ridings, viz : North Riding and South Riding ;

Ridings described.

**REPRESENTATION, PARLIAMENTARY,**

**UPPER CANADA.**

County of Simcoe to be divided into two ridings,  
viz : North Riding and South Riding ;

Ridings described.

Counties of Leeds and Grenville to be divided into  
three ridings, viz : North Riding of Leeds and  
Grenville, South Riding of Leeds, and South Riding  
of Grenville ;

Ridings described.

County of Wellington to be divided into two ridings,  
viz : South Riding and North Riding ;

Ridings described.

County of Waterloo to be divided into two ridings,  
viz : North Riding and South Riding ;

Ridings described ;

The township of Waterloo being divided for the pur-  
pose of representation into two townships, to be  
called North Waterloo and South Waterloo.

County of Brant to be divided into two ridings, viz :  
East Riding and West Riding ;

Ridings described ;

The township of Brantford being divided for the pur-  
pose of representation into two townships, to be  
called East Brantford and West Brantford.

County of Elgin to be divided into two ridings, viz :  
East Riding and West Riding ;

Ridings described.

The other Counties, to form each an Electoral Di-  
vision, viz : Counties of Carleton—Dundas—Essex—  
Frontenac—Glengarry—Grey—Haldimand—Hal-  
ton—Kent—Lambton—Lincoln—Norfolk—Peter-  
borough—Peel—Perth—Prescott—Prince Edward  
—Renfrew—Russell—Stormont—Victoria—Wel-  
land.

Townships of Gloucester and Osgoode for the pur-  
pose of representation detached from the county of  
Carleton and attached to the county of Russell.

The following cities and towns to form Electoral  
Divisions: Cities of Toronto—Kingston—Hamilton  
—Towns of Brockville—Niagara—Cornwall—Lon-  
don—Bytown.

Special provisions as to the boundaries of Brockville, Nia-  
gara and Cornwall for representation only.

**GENERAL PROVISIONS.**

**LOWER CANADA :**

Certain Counties to be represented by one member each ;

United Counties, by one member for each union ;

Ridings, by one member, each ;

Cities of Quebec and Montreal, by three members, each ;

Towns by one member, each.

**UPPER CANADA :**

City of Toronto by two members ;

Each of the other Electoral Divisions by one member each.

## REPRESENTATION, PARLIAMENTARY,

## GENERAL PROVISIONS—UPPER CANADA.

Qualification of electors, same as now existing, except as otherwise provided by this Act, s. 4.

Cities and towns returning members not to form parts of counties for electoral purposes, nor shall any one vote in a county on property in any such city or town, *ib.*

Qualification of electors in townships or parts thereof forming part of any city or town for the purpose of representation, to be the same as that required of electors for counties, *ib.*

Provision for polls, &c., in townships or parts of townships made part of towns in Upper Canada for electoral purposes, s. 5.

Townships divided for electoral purposes, *ib.*

Proviso as to deputy returning officers in Upper Canada, *ib.*

Separate polls to be held for incorporated towns and villages in Upper Canada, and for wards in towns divided into wards, s. 6.

Proviso—as to deputy returning officers in incorporated villages and towns *not* divided into wards, *ib.*

In towns divided into wards any person may be so appointed for any ward, *ib.*

Electors to vote in the ward where their property lies, *ib.*

Who shall be returning officers for ridings in Upper Canada, s. 7.

Proviso—for ridings formed out of Leeds and Grenville, *ib.*

The Governor to appoint returning officers for electoral divisions in Lower Canada, where none *ex officio*, s. 8.

Present election laws to apply so far as consistent, *ib.*

Electoral divisions under this Act not to affect divisions for other purposes, s. 9.

Proviso, as to gores, &c., *ib.*

Lower Canada Act 9 G. 4, c. 73, and so much of 14, 15 V. c. 5, relating to Upper Canada, or of any other Act, as may be inconsistent with this Act, repealed, s. 10.

Provisions of the present elections Act, 12 V. c. 27, sec. 68, for polling in the townships of Waterloo and Wilmot, repealed, s. 11.

This Act to come in force after the end of the then present parliament, s. 12.

18 V. c. 76—1855.

Alterations in the boundaries of the following counties in Lower Canada, s. 1, viz: Yamaska—Drummond—Bagot—Two Mountains—Argenteuil—Soulanges—Vaudreuil—Laval—Montreal (Jacques Cartier riding), ss. 1 to 9.

Name of county of Tadousac changed to county of Saguenay, s. 10.

County of Sherbrooke to be called county of Richmond, s. 12.

East riding of county of Missisquoi to be called county of Brome, s. 13.

West riding of county of Missisquoi to be called county of Missisquoi, s. 14.

Jacques Cartier riding of county of Montreal to be called county of Jacques Cartier, s. 15.

**REPRESENTATION, PARLIAMENTARY,****GENERAL PROVISIONS—UPPER CANADA.**

The Hochelaga riding of county of Montreal to be called  
county of Hochelaga, s. 16.

Short titles of Representation Acts, s. 17.

**RESCUE,**

3 W. 4, c. 3—1833.

Of persons committed for murder, felony, death, s. 4.

**RESPITE,**

3 W. 4, c. 3—1833.

May be granted by judge, in certain cases, s. 22.

**RESTITUTION,**

4, 5 V. c. 25—1841.

Owners of stolen property prosecuting to conviction entitled  
to, s. 49.

**RETURNING OFFICERS,**

14, 15 V. c. 108—1851.

Who shall be, and deputies how appointed, ss. 1. 2.

If there be none *ex officio*, Governor to appoint, s. 3.

16 V. c. 152—1853.

Who shall be *ex officio* for ridings in U. C., s. 7.

See Elections—Representation.

**RETURNS, MUNICIPAL, &c.**

16 V. c. 163—1853.

Annual, to be made to clerk of the county by clerk of municipalities of particulars in schedule A within one week  
after 1st January, s. 1.

Clerk of the county to make annual returns of such particulars to provincial secretary before 1st February, s. 2.

Clerks of cities, to make similar returns to provincial secretary before 1st February, s. 3.

Annual account of fee fund to be rendered by the proper officer to provincial secretary before 1st. February, s. 4.

Penalty for neglect, not exceeding £5, s. 5.

Also returns of Jesuits' Estates, s. 6.

Copies of returns to be laid before parliament, s. 7.

**RETURNS, CENSUS,**

12 V. c. 90—1849.

*Yearly*, by ministers, substituted for *quarterly*, s. 1.

See also Census—Marriages.

**RETURNS TO PROCESS, BY SHERIFFS AND CORONERS,**

7 V. c. 33—1843.

For enforcing in a more summary manner.

See also Sheriffs.

**REVENUE, MANAGEMENT OF, (COLLECTION)**

8 V. c. 4—1845.

To provide for the management of the customs, and matters  
relative to the collection of the provincial revenue.



## REVENUE, MANAGEMENT OF, (COLLECTION.)

Former Acts repealed, s. 1.

Present commissions, bonds, &c., to continue in force, s. 2.  
Governor in council to determine what officers necessary—  
and fix salaries, s. 3.

No salary to exceed £500 per annum, *ib.* But see 12 V. c. 2.

Salaries to be in lieu of all other emoluments, s. 4.

Except disbursements—shares of seizures, &c., *ib.*

Officers having, £250 a year or more, to exercise no other  
calling, &c., *ib.*

Governor authorised to make new divisions and regulations,  
s. 5.

Persons employed by the order, or with the concurrence of  
the governor, to be deemed proper officers, s. 6.

Officers employed in one branch may be employed in  
another, s. 7.

Office hours to be appointed by the governor, s. 8.

Notice thereof to be fixed up in some conspicuous place in  
such office, *ib.*

What days to be kept as public holidays, s. 9.

Public monies, how to be accounted for and paid over, s. 10.

Accounts for statistical purposes to be kept, s. 11.

Oath of office to be taken, s. 12.

Penalty for bribery and corruption, s. 13.

Before whom oath in revenue matters may be made, s. 14.

Governor in council may substitute affirmation in any case, *ib.*

Witnesses, in inquiries ordered by the Governor in council,  
before whom to be sworn, s. 15.

Books and monies, &c., to belong to Her Majesty, s. 16.

Punishment for fraudulent embezzlement, detainer, &c., *ib.*

Summary process for compelling payment or delivery, s. 17.

Revenue officers exempt from other public offices, s. 18.

Provision for remission of duties, tolls and penalties in  
certain cases where great injustice or inconvenience  
would arise, s. 19.

Remission of penalty to operate as pardon, s. 20.

Penalties to belong to Her Majesty, for the use of the pro-  
vince, with power to allow portion to seizing officer, *ib.*

Interpretation clause, s. 21.

Act to continue in force until 5th April, 1848, s. 24.

*This Act is declared to apply to tolls on public works by 9 V. c.  
37, s. 21—to Distilleries and the duties on them by 9 V.  
c. 2, s. 24—and to the Post Office Department by 13, 14 V.  
c. 17, sec. 2.*

12 V. c. 2—1849.

8 V. c. 4, amended as respects salaries of collectors of Quebec  
and Montreal—and made permanent.

See also Public Debt, &c.—and Supplement.

## REWARD,

4, 5 V. c. 25—1841.

Taking any, under pretence of helping recovery of stolen  
property, without bringing the offender to trial, felony,  
s. 50.

Advertising for return of stolen property, without inquiry,  
how punishable, s. 51.

**RIDEAU CANAL,**

- For conferring powers for making, 8 G. 4, c. 1.
- Engraving map of, 9 G. 4, c. 16.
- Former Act amended, 6 W. 4, c. 16.
- Period for damage claims limited, 2 V. c. 19.
- See also* Ordnance.

**RIGHTS OF THE CROWN,**

12 V. c. 10—1849.

Saved in Acts, unless expressly bound thereby, s. 5. *art.* 25.

**RIOT ACT,**

3 W. 4, c. 3—1833.

British statute declared to be in force, s. 13.

**RIOTS NEAR PUBLIC WORKS,**

8 V. c. 6—1845.

Act to be in force after proclamation in any locality mentioned therein; and to cease to be in force on a like proclamation, s. 1.

Penalty not less than 10s., nor more than 20s., for having possession of arms or weapons while Act in force, without license and within the limits to which it applies, s. 2.

Weapons to be delivered up to magistrate or commissioner, s. 3.

To be returned on Act ceasing to be in force, s. 4.

Weapons unlawfully kept may be seized and forfeited, s. 5.

Penalty not less than £10, nor more than £25, on any person harbouring, concealing, or receiving, s. 6.

Search warrant for, when and how obtained, s. 7.

Weapons found to be forfeited, unless proved to have been lawfully kept, *ib.*

Persons found carrying weapons within the locality, to be arrested and committed for misdemeanor, s. 8.

Justices and commissioners to make monthly returns of weapons delivered, &c., s. 9.

Weapons forfeited to be sold, s. 10.

Limitation of actions for things done under this Act c., s. 11.

Penalties recoverable before two justices, s. 12.

Provision for a mounted police for carrying Act into effect, s. 13.

Officers of police force to be appointed justices of the peace, their powers as such, s. 14.

Mounted policemen to be deemed constables and peace officers, s. 15.

Expenses to be defrayed by board of works, and how charged, s. 16.

14, 15 V. c. 76—1851.

The above Act may be extended to places where works undertaken by incorporated companies, s. 1.

To cease on proclamation, *ib.*

The said Act continued to 1st January, 1855, and to the end of the then next session, s. 2.

Expenses to be defrayed by incorporated companies, s. .

## RITCHIE, REV. W.,

May dispose of lands in Whitchurch held by him in trust,  
18 V. c. 66.

## RIVERS AND RIVULETS,

2 W. 4, c. 2—1831.

Offences committed on navigable rivers, &c., where triable,  
s. 2. *See also*, 4, 5 V. c. 24, s. 41—14, 15 V. c. 5, s. 11.

2 V. c. 16—1839.

To prevent the felling of trees into. *See also* Trees.

4, 5 V. c. 26—1841.

Destroying any sea bank, or wall of any river, &c., felony,  
s. 12.

7 V. c. 36—1843.

To prevent obstructions in.

Penalty not more than £5 nor less than 1s. a day for  
obstruction, s. 1.

Recoverable before one or more justices under the 4, 5 V.  
c. 26, *ib.*

Appeal given to the sessions, s. 2.

Appropriation of penalties, s. 3.

Assessed damages how to be applied, *ib.*

In default of distress offender to be committed not exceed-  
ing thirty days, s. 4.

10, 11 V. c. 20—1847.

To explain and amend the 7 V. c. 36, 1843.

Penalty not more than £5 nor less than 1s. a day on persons  
obstructing rivers or rivulets, s. 1.

Recoverable before one or more justices as provided by the  
4, 5 V. c. 26, 1841, *ib.*

Act not to extend to dams, weirs, or bridges, or trees used  
as bridges, without obstruction, *ib.*

Act as amended to apply to penalties, &c., under this Act, s. 2.  
14, 15 V. c. 123—1851.

Said Acts not to extend to the river St. Lawrence, Ottawa,  
or any river or rivulet wherein salmon, &c., do not  
abound.

## RIVERS, &amp;c., IMPROVEMENT OF, FOR TRANSMISSION OF LUMBER,

16 V. c. 191—1853.

General incorporation of joint stock companies for construct-  
ing dams, slides, piers, booms, &c., for that purpose.

Five or more persons may form a company for constructing  
dams, &c., for transmission of timber down any river or  
stream in Upper Canada, s. 1.

Consent of owners or award to be obtained before private  
property is taken, &c., *ib.*

Not to interfere with other companies, *ib.*

Instrument to be executed as per form in schedule and re-  
gistend, s. 2.

Six per cent. of the capital to be paid up, *ib.*

Report to be laid before the chief commissioner of public  
works containing certain particulars, s. 3, *See as to Mu-  
nicipalities*, 18 V. c. 84, s. 2.

## RIVERS, &amp;c.,

- Works not to be commenced until the report approved, *ib.*
- Company incorporated, with power to hold lands, &c., s. 4.
- May make by-laws for use of work, s. 5.
- Commissioner may disallow such By-Laws, *ib.*
- Affairs of the company to be managed by five directors;  
how chosen, &c., s. 6.
- Majority to be a quorum for the transaction of business, *ib.*
- Stockholders entitled to one vote for each share, *ib.*
- Works may be altered or extended and how, s. 7.
- Debentures may be issued for increased expenditure, not  
exceeding one-fourth of the paid-up capital, *ib.*
- Or stock may be increased, *ib.*
- Registration of new subscribers, *ib.*
- Their rights and liabilities, *ib.*
- Calls on new stock, *ib.*
- Shares to be £5 each, and transferable, s. 8.
- Company may sue for unpaid calls, s. 9.
- Calls not to exceed ten per cent. at any one time, s. 10.
- Forfeiture of shares for non-payment, *ib.*
- Actions for arrears, ss. 11, 12.
- Election of president and other officers, s. 13.
- Vacancies, how to be filled up, s. 14.
- Differences between the company and private owners to be  
referred to arbitration, s. 15.
- Conveyance to be executed on payment or tender, *ib.*
- Award may be made by any two of the arbitrators, *ib.*
- Provision for the appointment of arbitrators, where owners  
absent or unable to sell, or lands mortgaged, &c., s. 16.
- Award to be paid forthwith, *ib.*
- Award to be registered, *ib.*
- Costs, by whom to be paid, *ib.*
- Lands taken, discharged from incumbrances, *ib.*
- Indian lands, provision for, s. 17.
- Meetings and proceedings of arbitrators, s. 18.
- Provision, where works commenced by any other company,  
s. 19.
- Mill sites not to be injured, *ib.*
- Act 12, 14 V. c. 75, (protection of Mill owners) extended to  
works under this Act, s. 20.
- Company not to improve waters already navigable, s. 21.
- Company not to claim any water power, *ib.*
- To report annually to the proper municipality the state of  
receipts and expenditure, tolls, &c., s. 22.
- Books to be kept and open for inspection to the municipality,  
*ib.*
- Tolls, how to be calculated and limited, s. 23.
- Provision in case of any surplus, *ib.*
- Tolls to be apportioned on various descriptions of lumber.  
according to a certain scale, s. 24.
- Annual account of the company to contain a schedule of  
tolls for the following year, s. 25.
- Such tolls may be altered or varied by the commissioner of  
public works, *ib.*
- Tolls may be recovered from the owner of the timber,  
s. 26.

**RIVERS, &c.,**

Timber may be seized for non-payment of tolls in certain cases, s. 27.

Malicious injury to the works to be a misdemeanor and how punishable, s. 28.

Penalty for impeding the use of the works, &c., s. 29.

Offenders under this Act may be summoned (or in certain cases arrested and brought) before any justice, s. 30.

Fines how recovered and levied, s. 31.

To whom payable, s. 32.

Stockholders may be witnesses, s. 33.

Limitation of suits, s. 34.

Works, &c., to be completed within a certain time, s. 35.

Upon pain of forfeiture of charter, *ib.*

Provision in case of the abandonment of any work, *ib.*

Companies bound to keep the works in repair, s. 36.

Provision for the union of companies, s. 37.

This Act may be amended, s. 38.

Government may dissolve the company and assume the works on payment of the actual value, *ib.*

18 V. c. 84—1855.

Provisions of the 16 V. c. 191, extended to Lower Canada except 20th sec., s. 1.

Consent of municipality not to requisite (under the 3rd sec.) but work not to be commenced until 30 days after report made to the Municipal council, s. 2.

Compensation for property taken by the company may be claimed by the owner either in money or stock at his option, s. 3.

Provision when the property is in Lower Canada, s. 4.

Proportional rate of toll on saw logs altered, s. 5.

Certain formalities dispensed with on the company purchasing any work already commenced, s. 6.

Interpretation clause, s. 7.

**ROAD ALLOWANCES,**

50 G. 3, c. 1—1810.

To be deemed public highways, s. 12.

12 V. c. 35—1849.

In any city, &c.; to be public highways, s. 41.

12 V. c. 81—1849.

Township councils authorized to make by-laws for the preservation and sale of any timber on, s. 31, *art.* 12.

County councils authorized to make by-laws for the preservation of timber, &c., upon any county road allowance, s. 41, *art.* 12.

Original allowances not to be stopped up, s. 187.

**ROAD ALLOWANCES,**

Acts vesting them in private parties.

*See Supplement and the names of the several parties.*

**ROADS AND BRIDGES,**

*See Highways—Macadamized Roads.*

**ROADS, BRIDGES, WHARVES, &c.**

General incorporation of joint stock companies for constructing.

12 V. c. 84—1849.

Act to authorize the formation of, for the construction of roads and other works in Upper Canada. *This Act is repealed by the Consolidation Act, 16 V. c. 190, but companies formed under it are to continue subject to that Act, saving pending suits, &c.*

13, 14 V. c. 14—1850.

Act to extend the Acts for the formation of companies for constructing roads and other works to companies formed for the purpose of acquiring public works of like nature.

Act, 12 V. c. 84, extended to companies formed for purchasing public works under the 12 V. c. 5, s. 1. *See Public Works.*

Such companies not to be liable to certain provisions of said Acts, *ib.*

Proviso: certain secs. of the above cited act to apply, *ib.*

Maximum tolls to be taken by such companies, s. 2.

Proviso, as to exemption from tolls, *ib.*

Persons residing within a certain distance may commute, for tolls, s. 3.

Order in council for transferring any public work, may extend to certain matters, s. 4.

Certain powers to be reserved, s. 5.

Security to be given, *ib.*

Work to be kept in complete repair, *ib.*

*The Act 12 V. c. 84, is repealed by 16 V. c. 190, sect. 59 of which extends its provisions, with some exceptions, to companies formed under 12 V. c. 84, or under this Act—but it does not seem to be provided that companies may be there-after formed under 16 V. c. 190 for acquiring public works,—though such was probably the intention of the Legislature. If the company constructs not less than 2 miles of road, it may be formed under 16 V. c. 190. See Sect. 2 of that Act.*

16 V. c. 190—1853.

Act to amend and consolidate the Acts for incorporating joint stock companies for roads and other works.

Acts 12 V. c. 84—14, 15 V. c. 122—12 V. c. 25—and the 2, 3, 4, 5, 6, 7 and 8 sections of the 14, 15 V. c. 57—and the 16 V. c. 4,—repealed; but existing companies to continue under this Act:—exception as to pending suits, s. 1.

Companies, how to be formed, s. 2.

Act not to interfere with existing charters, *ib.*

Private property not to be taken without consent of owner in certain cases, *ib.*

Proviso, as to cities and towns, *ib.*

Notice to be given to the heads of municipalities before the commencement of any work, s. 3.

By-law may be passed prohibiting the same and when, *ib.*

Proviso, as to closing up or disposing of old roads, *ib.*

Certain conditions required before the commencement of any new work, s. 4.

## ROADS, BRIDGES, WHARVES, &amp;c.,

- Six per cent. on the capital to be paid up, *ib.*
- Instrument of association to be registered, *ib.*
- Upon requirements complied with, company to be incorporated, s. 5.
- Company authorized to explore, and take lands and materials, cut drains, &c., s. 6.
- Compensation to private owners to be settled by arbitration in case of disagreement, s. 7.
- Mode of estimating the same, *ib.*
- Amount awarded to be paid or tendered, and conveyance made, or company may take possession, *ib.*
- Proviso as to gardens, yards, orchards, &c., *ib.*
- Provision for appointment of arbitrators where owners absent or unable to sell, or lands mortgaged, &c., s. 8.
- Decision of arbitrators to be binding, *ib.*
- Award to be paid forthwith, *ib.*
- Award to be registered, *ib.*
- Costs of arbitration, *ib.*
- The lands so taken to be thenceforth discharged from incumbrances, *ib.*
- Indian lands, provision for, s. 9.
- Meetings and proceedings of arbitrators, s. 10.
- Provision for increase of capital, in case the directors shall widen, extend or alter the line of road, s. 11.
- Company's shares to be £5 each, and transferable, s. 12.
- Affairs of the company to be managed by five directors, s. 13.
- Annual elections to be according to by-law, *ib.*
- Each share, to give one vote, *ib.*
- President and other officers to be appointed, s. 14.
- Vacancies, how to be filled up, s. 15.
- Directors to make calls on shares, s. 16.
- Shares forfeited if calls not paid within a certain time, *ib.*
- Forfeited shares, sale of, *ib.*
- Company may sue for calls instead of forfeiture, s. 17.
- What must be alleged in such suits, *ib.*
- What must be proved in such suits, s. 18.
- Provision for the union of companies, s. 19.
- Rights and liabilities of company so formed, *ib.*
- Works to be vested in the company, s. 20.
- Company may search for and take materials for making or repairing roads, s. 21.
- Price of, to be settled by arbitration in case of difference, *ib.*
- Of what materials roads may be made, s. 22.
- Municipalities authorized to take stock in such company and their chief officer vote thereon, s. 23. See 18 V. c. 139.
- May raise money to pay for such stock, *ib.*
- May loan money to such companies, s. 24. See 18 V. c. 139.
- And issue debentures therefor, *ib.*
- Companies authorized to sell their works to any local municipality, s. 25.
- Municipalities may also sell their roads, &c., to such companies, s. 26.

## ROADS, BRIDGES, WHARVES, &amp;c.,

- Roads, &c., to be completed within a certain time after in corporation, s. 27.
- Charter to be forfeited unless further time granted by county by-law, *ib.*
- Tolls how to be fixed, paid, and levied, s. 28.
- When the company may begin to collect them, *ib.*
- Limitation of tolls, s. 29.
- As to tolls on bridges, which with the consent of the county council may exceed the said rates, s. 30.
- Provision for the erection of toll-gates and fixing the rate of tolls thereat, s. 31.
- Tickets to be given at check gates, s. 32.
- Directors may commute for tolls, s. 33.
- Proceedings, when road dangerous from want of repair, s. 34.
- County engineer to examine and report, *ib.*
- Notice to be given to the company of road out of repair, *ib.*
- Tolls not to be collected after notice, until repairs made, s. 35.
- Penalty for taking toll when road out of repair, s. 36.
- Penalty for taking more than the proper toll, s. 37.
- Gate-keepers not bound to give change above 5s., s. 38.
- Exemptions from toll, viz: Military—Funerals—Persons going to or returning from religious worship on Sunday—and farmers passing from one part of the farm to another, s. 39.
- Vehicles carrying the mails chargeable with toll, (except on Government roads transferred to any company) under certain restrictions, s. 40.
- Penalty for passing, or attempting to pass, without payment of toll, s. 41.
- How recoverable, *ib.*
- Toll collector may seize or distrain any cattle or carriage, &c., for non-payment of toll, s. 42.
- Penalty for attempt to evade the toll in certain ways, s. 43.
- Penalty for allowing persons to pass through private property to evade the toll, s. 44.
- Penalty for leaving horses, &c., on the road to evade the toll, s. 45.
- Penalty for falsely claiming exemption, s. 46.
- Malicious injury to any toll-house, gate, &c., to be a misdemeanor, s. 47.
- Penalty for obstructing or wilfully injuring the road, or its accessaries, s. 48.
- How recoverable, *ib.*
- Company to keep the whole graded part of the road free from any incumbrance thereon, s. 49.
- Penalty on contractors and others offending against this section, *ib.*
- Fines and forfeitures how recoverable, s. 50.
- Proceedings in case defendant shall not appear on summons, s. 51.
- Application of fines not otherwise provided for, s. 52.
- Limitation of suits, s. 53.



**ROADS, BRIDGES, WHARVES, &c.,**

Officers and stockholders may be witnesses, s. 54.

Companies formed *bona fide* under former Acts confirmed, notwithstanding any informality in their formation, under certain conditions, s. 55.

They must have actually proceeded with their work, *ib.*

Directors to report annually to the proper municipality, s. 56.

Company to keep books of account open to inspection by the municipality, &c., *ib.*

Municipality authorized to purchase road at the end of twenty-one years at its current value, s. 57.

Reservation of right to amend this Act, so as to afford just protection to the public, &c., s. 58.

Provisions of certain sections of this Act extended to all turnpike road Companies in Upper Canada formed under 13, 14 V. c. 14, for purchasing public works under 12 V. c. 5; and to all roads constructed by any Municipality s. 59.

Proviso, as to lowering the rate of tolls, *ib.*

Certain sections of this Act to extend also to companies having private Acts of incorporation, *ib.*

Road companies to lay down in grass the space adjoining and belonging to them, s. 60.

Under a penalty of 10s. a day for default, *ib.*

All inconsistent Acts repealed, s. 61.

18 V. c. 139—1855.

Provisions of the 23rd and 24th secs. of the above Act to apply to all companies formed or to be formed under the said Act or any other, in so far as regards Municipalities of Cities or Towns, s. 1.

All subscriptions for stock and other acts done, to be deemed valid as if the first sec. of this Act had formed part of the original Act, s. 2.

**ROAD SURVEYORS,**

12 V. c. 81—1849.

Municipalities authorized to appoint, s. 31, *art.* 5.

**ROBBERY,**

13, 14 V. c. 17—1850.

Of the mail, how punishable s. 16. *See also* 3 W. 4, c. 3, s. 8, *which seems superseded by this provision.*

4, 5 V. c. 25—1841.

Of the person, with stabbing, cutting or wounding, felony, death, s. 6.

Other robbery, attended with violence, felony, s. 7.

Stealing from the person, how punishable, s. 9.

Assault with intent to rob, felony, s. 10.

**ROCHE, J. K.,**

For the relief of, 16 V. c. 73.

**ROLPH DR. THOMAS,**

Remunerated, for services as emigrant agent, 6 V. c. 30.

**ROMAN CATHOLIC BISHOPS,**

Of Toronto and Kingston, incorporated, 8 V. c. 82.

**ROMAN CATHOLIC CONGREGATION AT YORK,**

*See* York.

**ROMAN CATHOLIC CONGREGATION AT PETERBORO,'**

*See* Peterborough.

**ROMNEY TOWNSHIP,**

To separate from East Tilbury, 16 V. c. 34.

**RULES, QUEEN'S BENCH,**

7 W. 4, c. 3—1837.

To be made by judges of Queen's bench regulating pleadings, s. 1.

To be laid before parliament, *ib.*

For admission of documentary evidence, s. 12.

*See also* Common Law, Superior Courts of.

**RYAN, JOHN,**

And others, militia pensions granted to, 1 V. c. 43.

**RYERSE, S.,**

For the relief of his heirs and devisees, 16 V. c. 266.

S A B

**SABBATH,**

*See* Sunday.

**SACRAMENT,**

13, 14 V. c. 18—1850.

Not required to be taken as a qualification for office.

**SACRILEGE,**

4, 5 V. c. 25—1841.

Breaking and entering any church or chapel and stealing therein, or having stolen therein, breaking out, how punishable, s. 13.

**SAINT CATHERINES SALT COMPANY,**

Incorporated, 3 W. 4, c. 20.

**ST. CLAIR, CHATHAM AND RONDEAU RAILWAY CO.,**

Incorporated, 18 V. c. 190.

**ST. FRANCIS BANK,**

Incorporated, 18 V. c. 201.

**ST. GEORGE'S CHURCH, KINGSTON,**

Minister and Trustees enabled to surrender certain lands,  
4 G. 4, c. 31.

**ST. GEORGE, L., QUETTON,**

For vesting his estates in W. W. Baldwin, on certain trusts,  
1 W. 4, c. 26.

**ST. JAMES' CHURCH, TORONTO,**

*See* Toronto.

**ST. LAWRENCE CANALS,**

12 V. c. 15—1849.

Tolls to be payable on vessels passing down the river, as if they passed through the canals, s. 1.

Regulations may be made for seizure of vessels for non-payment of tolls, s. 2. *See also* Public Works.

**ST. LAWRENCE INLAND MARINE ASSURANCE CO.,**

Incorporated, 3 W. 4, c. 19.

**ST. MICHAEL'S COLLEGE, TORONTO,**

Incorporated, 18 V. c. 237.

**ST. PAUL'S CHURCH, LONDON,**

*See* London.

**ST. PETER'S CHURCH, BROCKVILLE,**

*See* Brockville.

**SALARIES,**

*See* Civil List—Speaker, &c., and the matters to which the Salaries relate.

**SALE OF LANDS, (COMPULSORY.)**

16 V. c. 182—1853.

For taxes, provisions respecting, ss. 55 to 67.

*See also* Assessments—Lands, Execution against, &c.

8 V. c. 47—1845.

**SALMON,**

Former Acts repealed, s. 1.

Not to be taken between 10th Sept. and 1st March, s. 2.

Nor within 200 yards of the mouth of any river or creek on lake Ontario, or bay of Quinte, s. 3.

Exception when taken with nets along the shore of lake Ontario between 1st Feby. and 1st August, *ib.*

No person to have any in possession during periods prohibited, s. 5.

Penalty not exceeding £10 nor less than 5s., recoverable before one justice, s. 6.

*See also* Fish.

**SALT SPRINGS,**

*See* Mineral Springs.

**SALTFLEET SALT COMPANY,**

Incorporated, 5 W. 4, c. 15.

**SALTFLEET AND BINBROOK,**

For settling difficulties arising out of erroneous survey, 1 W. 4, c. 8; 7 W. 4, c. 59.

**SANDWICH AND AMHERSTBURGH ROAD,**

*See* Amherstburgh.

**SANDWICH,**

For stopping of certain streets in, 3 V. c. 41.

**SAPLINGS,**

*See* Trees—Saplings—Shrubs.

**SAULT ST. MARIE MINING COMPANY,**

Incorporated, 12 V. c. 162.

**SAVINGS BANKS,**

4, 5 V. c. 32—1841.

To encourage establishment of.

Association how formed, s. 1.

Rules deposited with clerk of the peace, s. 2.

Treasurer, trustees or manager, to take oath of office, s. 3.

Not to derive any benefit from deposits, *ib.*

Salary excepted, *ib.*

Rules to be binding on members and depositors, s. 4.

Treasurer to give security if required by the rules, s. 5.

Moneys, &c., to be vested in the trustees, s. 6.

To be accounted for by receivers, s. 7.

Property in, to descend to lawful representatives, s. 8.

Trustees may invest moneys in incorporated banks, but not with a private banker, nor on personal security, s. 9.

Matters to be referred to arbitration when not provided for by rules, s. 10.

Transcript of rules deposited with clerk of the peace to be signed by two trustees, s. 11.

No depositor to have more than £500 deposited, s. 12.

Detailed accounts to be laid before parliament every session, s. 13.

Act to remain in force ten years, s. 14.

*This Act, (4, 5 V. c. 32,) was continued for 5 years by 14, 15 V. c. 55, and is again continued for seven years from 30th May, 1855, by 18 V. c. 96, s. 32; but only with regard to banks established before 30th May, 1855, and not coming under 18 V. c. 96. With this exception the Act is repealed by 18 V. c. 96, s. 1.*

18 V. c. 96—1855.

Act 4, 5 V. c. 32, repealed, s. 1.

Except as to banks already existing under it, *ib.*

Mode in which any number of persons may hereafter be come incorporated as a savings' bank, s. 2.

What must be inserted in the instrument of association, *ib.*

Further provisions therein as to stock, shares, stockholders, &c., *ib.*

Duration of the bank not to be less than five or more than thirty years, *ib.*

Provisions for its management, *ib.*

Stockholders to verify sufficiency on oath, *ib.*

Form of the oath, *ib.*

Attestation and deposit of oath, *ib.*

## SAVINGS BANKS,

Instrument if relating to savings bank in Upper Canada to be deposited in the office of the clerk of the county court, s. 3.

To be open for inspection, *ib.*

Certified copy to be evidence, *ib.*

Incorporation and general corporate powers, s. 4.

Directors to deposit with receiver general a certified copy of the instrument, and a sum not less than 1-8 nor more than  $\frac{1}{4}$  of the capital, in debentures receivable under the banking laws in deposit for registered notes, s. 5.

Or partly in money, and partly in such debentures, *ib.*

Interest on debentures to be payable to the bank, *ib.*

Power to increase or diminish the sum deposited within certain limits, s. 6.

Proviso that sum withdrawn at any one time shall not be less than £5000, *ib.*

Not to be withdrawn until requirements of the Act are complied with, *ib.*

Certificates of withdrawal to be made public, *ib.*

Assignment or lien on deposit may be made on certain conditions, s. 7.

When the bank may commence business, s. 8.

Deposits not to exceed £500 by any one person, *ib.*

Amount due to depositors not to exceed six times the amount of the bank deposit with the receiver general, nor shall it ever exceed the capital of the bank, *ib.*

Rate of interest to be fixed from time to time by the governor in council, s. 9.

Bank funds how to be invested, s. 10.

Receiver general may grant special debentures on receipt of bank funds, s. 11.

Rate of interest thereon to be fixed by the Governor, *ib.*

Annual general meeting for election of directors when to be held, s. 12.

Failure of election how remedied, *ib.*

Vacancies how to be filled up, *ib.*

Vacancy not to affect the validity of the acts of the remaining directors, *ib.*

Shareholder to have one vote for every share held by him three months before such meeting, s. 13.

May vote by proxy, *ib.*

Person presiding to have a casting vote, *ib.*

Directors may call general meetings, s. 14.

May make calls on stock, *ib.*

Calls if not paid may be sued for, and what it shall be sufficient to allege and prove in such suits, *ib.*

Calls limited, *ib.*

President to be elected by the directors, s. 15.

Questions before the directors to be decided by the majority, *ib.*

President not to have a casting vote in such cases, *ib.*

In case of ties, question to be negatived, *ib.*

Three directors to be a quorum, *ib.*

Power to make by-laws for certain purposes, s. 16.

To impose penalties not exceeding £10, *ib.*

**SAVINGS BANKS,**

By-laws may be altered or amended, *ib.*

A printed copy of such by-laws to be posted up in the office for deposits, *ib.*

By-laws how to be proved, s. 17.

Shares to be personalty and transferable, s. 18.

No share to be divided, *ib.*

Provision for shares held jointly, *ib.*

Bank not bound to see to trusts, *ib.*

Transfers may be required to be subject to the approval of the directors, *ib.*

Liability of person making transfer to remain for a certain time, saving his recourse against the transferee, s. 19.

Must be enforced within eighteen months from transfer, *ib.*

Extent of liability of shareholders, s. 20.

Correct lists of directors and shareholders to be posted up in the office of the bank, s. 21.

Bank books, &c. to be open to the inspection of the receiver general, s. 22.

Statements to be published when required by the receiver general, *ib.*

To shew liabilities and assets, including certain particulars as to deposits, *ib.*

Directors to take security from the officers of the bank, s. 23.

Form of the bond, *ib.*

Punishment of officers for embezzlement, s. 24.

Conviction not to impair civil remedy, *ib.*

Provision for winding up the affairs and closing the bank, s. 25.

General meeting to be called, *ib.*

No deposits to be received within one year of the term of association expiring, *ib.*

Notice to be given of closing the bank, and that no further deposit will be received, *ib.*

Notice to require depositors to withdraw their deposits, *ib.*

Interest to cease on deposits remaining after the time fixed by such notice, *ib.*

Bank securities to be converted into money, *ib.*

Directors to remain as trustees for winding up the affairs, *ib.*

Provision for delivery of securities by receiver general, *ib.*

The failure of any savings bank to meet its engagements to be a closing of the bank, s. 26.

Duty of the receiver general in such case, *ib.*

Directors contravening this Act to be jointly and severally liable for damages, s. 27.

Officers to be competent witnesses, unless otherwise incompetent, s. 28.

Service of process on a savings' bank, how to be made, s. 29.

Irregularity in election, not to invalidate acts of the directors, s. 30.

Business of the bank restricted to matters authorized by this Act, s. 31.

Provision as to savings banks established under the repealed Act, (4, 5 V. c. 32,) s. 32.

**SAVINGS BANKS,**

Trustees of any such bank may execute an instrument of association, under this Act, with the consent of three-fourths of the depositors, *ib.*

Provisions of this Act limiting the securities in which funds may be invested, not to apply to such bank until one year after this Act shall come in force, *ib.*

Existing banks taking advantage of this Act to divide the surplus of assets among the depositors, *ib.*

If not claimed within *three* years such surplus to be distributed to charitable institutions, *ib.*

The Governor authorized to appoint inspectors, s. 33.

Inspector's duties, *ib.*

To report to the Governor in case of any contravention discovered, *ib.*

Order to be made thereon, *ib.*

Liability of directors and trustees in case of contravention of such order, *ib.*

Reservation of right to amend this Act, s. 34.

Act not to apply to the Montreal Provident and Savings Bank, s. 35.

**SCARBOROUGH AND MARKHAM PLANK-ROAD CO.,**

Incorporated, 10, 11 V. c. 92.

**SCIRE FACIAS,**

7 W. 4, c. 3—1837.

Costs of, to be allowed after judgment by default, s. 26.

**SCHOOLS,**

9 V. c. 17—1846.

Persons interested in any school, may name trustees to take conveyance of a site, s. 1.

Such trustees to have corporate powers, *ib.*

Act not to apply to common schools, *ib.*

Deed to be registered within twelve calendar months, s. 2.

*See also* Common Schools—Grammar Schools—Educational Institutions.

**SEAMEN,**

16 V. c. 165—1853.

Penalty for enticing seamen or apprentices to desert their ship, not more than £10 nor less than £5, s. 1.

Penalty for harbouring deserters, not exceeding £10 nor less than £5, s. 2.

Penalty for loitering near any vessel, or receiving articles of clothing, &c., not more than £5 nor less than £2, s. 3.

Boats, &c., found so loitering may be detained until penalty paid, s. 4.

Penalty for going on board any vessel arriving at Quebec without lawful authority, &c., s. 5.

Payments in advance to seamen must be in money, and such advances limited, s. 6.

Penalties for contravention, *ib.*

Debts recoverable from seamen by lodging house-keepers, &c., limited to 5s., s. 7.

**SEAMEN,**

Wearing apparel, &c., of seamen not liable for lodging, &c., beyond 5s., s. 8.

Recovery and application of penalties, s. 9.

*This Act has more especial reference to the ports in Lower Canada to which sea-going vessels resort ; but such vessels and their crews may now come within the limits of Upper Canada.*

*See also Imp. Act 17, 18 V. c. 104, (Merchant Shipping.)*

**SCHOOL LANDS,**

12 V. c. 200—1849.

One million of acres set apart for support of common schools.

**SCRIP,**

*See Public Lands.*

**SEA BANKS,**

4, 5 V. c. 26—1841.

Maliciously breaking down, to be felony, s. 12.

**SEARCH WARRANT,**

16 V. c. 179—1853.

May be issued on Sunday.

**SEAT OF GOVERNMENT,**

*See Government Buildings, Toronto.*

**SECURITIES FOR MONEY,**

4, 5 V. c. 25—1841.

Stealing public or private securities for money, or warrants for goods, &c., to be felony, s. 5.

**SEDUCTION,**

7 W. 4, c. 8—1837.

To give more effectual remedy in cases of.

Proof of service not necessary in action for, s. 2.

By whom action maintainable in absence of father or mother, s. 3.

Father of illegitimate child liable for necessaries ; evidence in such case, s. 4.

Former remedies not affected by this Act, s. 5.

**SEIGNIORIAL TENURE COMMUTATION,**

18 V. c. 3—1854.

A sum not exceeding £150,000, appropriated for the purposes of this Act, over and above the proceeds of certain special funds, and a sum equal to the sum expended above such proceeds, to be appropriated for local purposes in Upper Canada, s. 19.

Interest paid to be taken into the calculation, *ib.* *See also 18 V. c. 103, s. 3, allowing interest on certain payments to Seigniors by the Province, and providing that the same shall be taken into account in calculating the allowance to U. C.*



## SENTENCE,

7 W. 4, c. 7—1837.

Imprisonment after, to be reckoned in the term of *transportation*, s. 6. *But see* Imprisonment.

4, 5 V. c. 24—1841.

When to commence, under a second conviction, s. 29.

## SENTENCE OF DEATH,

3 W. 4, c. 3—1833..

For murder, to be pronounced immediately after conviction, unless the court see reasonable cause for postponement, s. 21. *See also*, 4, 5 V. c. 24, ss. 33, and c. 26, s. 4.

7 W. 4, c. 6—1837.

May be commuted by the Governor, except for murder and high treason, s. 3. *But see* 4, 5 V. c. 24, s. 48, and 14, 15 V. c. 2.

14, 15 V. c. 2—1851.

May be commuted conditionally upon imprisonment in the penitentiary, and such condition enforced, s. 4. *See also* Death, Sentence of.

## SEPARATE SCHOOLS,

For others than Roman Catholics, 13, 14 V. c. 48, s. 19.

For Roman Catholics, (with regard to whom the said sect. 19 is repealed,) 18 V. c. 131. *See also* Common Schools.

## SERVANTS,

*See* Master and Servant.

## SESSIONS,

*See* Quarter Sessions.

## SET OFF,

11 G. 4, c. 5—1830.

Upon plea or notice of, defendant may recover amount proved beyond plaintiff's demand, s. 1.

## SHARES IN STOCK OF INCORPORATED COMPANIES,

Seizure of under execution. *See* Stock.

## SHARTZ, REV. W.,

Naturalized, 4, 5 V. c. 85.

## SHEEP,

12 V. c. 81—1849.

Township municipalities authorised to make by-laws for restraining and regulating their running at large, s. 31. *art.* 19.

## SHERIFF,

41 G. 3, c. 6—1801.

Doubts removed respecting the commissions to.

49 G. 3, c. 4—1809.

Not to sell goods taken in execution without eight days notice of sale, s. 5.

## SHERIFF,

2 G. 4, c. 7—(1st session) 1821.

None but sheriffs and persons employed under them entitled to mileage for the service of process required by law to be directed to sheriffs, s. 1.

2 G. 4, c. 1—(2nd session) 1822.

May levy poundage, fees, &c., over amount of execution, s. 19.

Not to trade as merchants or shopkeepers, s. 21.

To return writs of Nisi Prius, and attend judges on circuit, s. 31.

3 W. 4, c. 8—1833.

To enter into bond to the crown with sureties to account for public monies, s. 1.

To enter into covenant respecting duties in private suits, s. 2.

Sureties to be approved by justices in sessions, s. 3.

Bond to be deposited with inspector general, s. 4. *See* 4, 5 V. c. 91, sec. 3.

Covenant to be executed in duplicate, *ib.*

One part to be filed with provincial secretary, *ib.*

The other with the clerk of the peace, *ib.*

Copy to be furnished on payment of certain fees, s. 5.

*Sect.* 6. (Bond and covenant to be renewed every four years,) *is repealed* by 4, 5 V. c. 91, s. 12.

Appointment not to be made until securities perfected, s. 7.

No person to be appointed unless possessed of real estate to the value of £750 above incumbrances, s. 8.

New sureties to be given in case of insolvency, s. 9.

New sureties to be given by sheriff in case of imputed insolvency, s. 10.

Giving new sureties not to discharge former defaults, s. 11.

Actions brought on sheriff's covenant, not to discharge subsequent actions thereon for other defaults, s. 12.

Sureties discharged when they have paid the full amount of their bond, s. 13.

As to partial payments by surety, s. 14.

Sheriffs to furnish new sureties in case of former being insolvent or discharged, s. 15.

Executions against sheriff and sureties, to be first levied on the sheriff, s. 16.

Sheriff liable to costs of all rules of court on him unless otherwise ordered, s. 17.

Not entitled to fees unless due return made, s. 18.

*Sect.* 19. (Sheriff neglecting to give security to be removed,) *is repealed* by 4, 5 V. c. 91, sec. 12.

Sums to be specified in the covenants of the sureties of the sheriffs of the several districts, s. 20. *See note on* 4, 5 V. c. 91.

Nature of the sureties' liability, s. 21.

Sheriff to continue in office notwithstanding forfeiture thereof, until successor appointed, s. 22.

Upon the death of sheriff, deputy to act, *ib.*

Liability of deputy and his sureties, *ib.*

Form of bond to the crown.

Form of covenant.

## SHERIFF,

4, 5 V. c. 91—1841.

Persons holding any office of public trust to give security.

Act to apply to bonds and covenants by sheriffs, whether now existing or hereafter to be given ; and the provisions and penalties of this Act to apply to sheriffs, s. 11.

The 6, and 9 sec. of the 3 W. 4, c. 8, repealed, s. 12.

*See Public Officers, for the remaining provisions of this Act, and the amendments made to it ; and see also, 12 V. c. 78, sec. 3, substituting counties for districts, and county officers for district officers, and sec. 17, as to new counties for judicial purposes, specially referring to 3 W. 4. c. 8.*

7 V. c. 33—1843.

Sheriff or coroner neglecting to return any writ, liable to attachment upon judge's order, or the judge may limit a further period for returning such writ, s. 1.

In case of default, judge may order attachment, on proof of service of the order, s. 2.

Any judge to have the same powers as the court under *habeas corpus* issued with regard to sheriff or coroner, s. 3.Such writ of *habeas* may be made returnable before the presiding judge in chambers, or when issued out of the district court, before the judge thereof, s. 4.

Any sheriff or coroner neglecting to return writ within three calendar months after attachment to forfeit his office, and pay £100 to any informer, s. 5.

Costs under this Act to be in the discretion of the judge, s. 6.

This Act not to interfere with other remedies.

9 V. c. 56—1846.

The 32 sec. of 7 W. 4, c. 3 (as to poundage) repealed.

In case of writs of execution to several districts, no poundage allowed where money not actually levied, but fees for services rendered, s. 2.

Judge of the court to allow reasonable charge in such cases, *ib.*

Poundage limited, unless full amount collected, s. 3.

Any single judge may make the necessary order in cases under the 7 V. c. 30, arising out of adverse claims, s. 5.

Allowance may be made to the sheriff for keeping the property pending the trial of such claims, s. 6.

16 V. c. 175—1853.

Defendant entitled to gaol limits may give bond for, s. 7.

Relieved from, on complying with the 5th section of 10, 11 V. c. 15, s. 8.

Sheriff may recover on bond for breach, s. 9.

Sheriff bound to assign (if required) to party arresting, s. 10.

Mileage taxable only on process served by sheriffs, coroners, or their bailiffs, s. 13.

Office hours of, from 10 till 4, s. 14.

Date of delivery of any writ of summons to be endorsed by sheriff, *ib.*If not served within ten days, plaintiff's attorney entitled thereto, *ib.*

**SHERIFF,**

Time of re-delivery to be endorsed thereon, *ib.*

In case of neglect, plaintiff may issue duplicate, &c., *ib.*

Costs of first writ in such cases to be paid by sheriff, *ib.*

Sheriffs may sue in certain cases under Absconding Debtor's

Acts, for debts attached, s. 15.

Moneys to be deposited as court or judge may order, *ib.*

*See also the several subjects to which the duties, &c., of sheriffs relate,—and Supplement.*

**SHIP-BUILDING, Joint Stock Companies for,**

*See Manufacturing, &c., Companies.*

**SHIPPING,**

*See Navigation—Merchant Shipping—Registration.*

**SHIPS OR VESSELS,**

4, 5 V. c. 26—1841.

Setting fire to any, with intent to murder, felony, death, s. 7.

With intent to prejudice the owner, felony, s. 9.

*See also Shipwreck—Explosive Substance.*

**SHIPWRECK,**

4, 5 V. c. 25—1841.

Plundering or stealing any part of, or any goods belonging thereto, how punishable, s. 22.

Persons in possession of shipwrecked goods, not giving satisfactory account, penalty not exceeding £20, s. 23.

Offering shipwrecked goods for sale, same penalty, s. 24.

4, 5 V. c. 26—1841.

Hanging out false lights with intent to cause, felony, death, s. 8.

Impeding endeavour to save life, felony, s. 10.

Destroying wrecks, or goods belonging thereto, felony, s. 11.

**SHOP, WAREHOUSE, &c,**

4, 5 V. c. 25—1841.

Breaking, entering, and stealing therein, how punishable, s. 20.

**SHOPKEEPERS, (SELLING SPIRITUOUS LIQUORS.)**

*See Liquors Spirituous.*

**SHORTIS, E.,**

Road and allowance in Thorah, vested in, 18 V. c. 74.

**SHRUBS,**

*See Trees—Saplings—Shrubs.*

**SILVERTHORN, A. AND N.,**

May make dam across river Thames, 13, 14 V. c. 90.

**SIMCOE,**

Lands for church in, trustees of may sell, 8 V. c. 19.

**SIMCOE COUNTY,**

Erected into a *district*, 7 W. 4, c. 32.

Additional tax authorized, 1 V. c. 39.

Raising money for defraying cost of public buildings in, 4, 5 V. c. 78.

**SIMCOE AND CANBORO' ROAD,**

*See* Canboro'.

**SIMPLE CONTRACT,**

7 W. 4, c. 3—1837.

Debt on, maintainable against executors, s. 11.

**SINGULAR NUMBER,**

7 W. 4, c. 14—1837.

In statutes of U. C., to include plural in certain cases, s. 2.

• 12 V. c. 10—1849.

And so in Acts of Canada, s. 5, *art.* 7.

**SISTERS OF ST. JOSEPH AT TORONTO,**

Incorporated, 18 V. c. 225.

**SLANDER AND LIBEL,**

13, 14 V. c. 60—1850.

To amend the law relating to.

Jury may give a general verdict of guilty or not guilty upon the whole matter, in libel cases; s. 1.

Judge may give opinion and directions as in other cases, *ib.*

Jury may give a special verdict and defendant may move in arrest of judgment as before this Act, *ib.*

Defendant in defamation may prove apology offered, in mitigation, s. 2.

In libel may plead insertion, without malice, or gross negligence and offer of apology, s. 3.

May pay money as amends into court, *ib.*

Penalty £100 for extorting money by threatening to publish or promising to prevent publication of any libel, &c., s. 4.

Punishment for publication, knowing it to be false, s. 5.

Punishment for maliciously publishing any libel, s. 6.

Truth pleaded, when only to be a defence, s. 7.

Defendant may in certain cases prove publication without his authority, s. 8.

Costs and how recoverable, s. 9.

**SLAVES,**

33 G. 3, c. 7—1793.

To prevent the further introduction of, &c., s. 18.

**SLEIGHTS,**

18 V. c. 138—1855.

Not less than two bells to be attached to the harness of each horse or horses, s. 7.

*See also* Highways.

**SMALL DEBTS, RECOVERY OF,**

*See* Division Court.

**SMALL POX,**

16 V. c. 170—1853.

Any person inoculating for small pox, may be summarily convicted before two justices and imprisoned for a term not exceeding one month, s. 1.

Any licensed practitioner so convicted to forfeit his license, s. 2.

License may be renewed on certain conditions, *ib.*

**SMITH, TOWNSHIP,**

Mode of drawing side-lines of lots in, 18 V. c. 153.

**SNIFE,**

*See* Game.

**SODOMY,**

4, 5 V. c. 27—1841.

Punishable with death, s. 15. *See also* 3 W. 4, c. 3, s. 7.

Assault with intent to commit, how punishable, 6 V. c. 5. s. 5.

**SOLDIER,**

*See* Deserter—Militia.

**SOLICITORS IN CHANCERY,**

7 W. 4, c. 2—1837.

Attornies, admitted to practise as solicitors, s. 12.

Six English or Irish solicitors may be admitted, s. 22.

10, 11 V. c. 29—1847.

Graduates of King's College, &c., may be admitted after three years service, s. 3.

13, 14 V. c. 26—1850.

Court may admit as solicitors, advocates from L. C. called as barristers in U. C. s. 1, 2.

18 V. c. 128—1855.

To take out annual certificate in Michaelmas Term, s. 10.

*See also*, Law, study and practice of.

**SOLICITOR GENERAL,**

4 W. 4, c. 9—1834.

May be admitted as an attorney, without service.

**SONS OF TEMPERANCE,**

*See* Grand Division of &c.

**SOPHIASBURGH, TOWNSHIP,**

Survey of certain side lines established, 4 W. 4, c. 19.

**SPALDING, E. H.,**

And other aliens, naturalized, 4 W. 4, c. 54.

**SPEAKER'S SALARY FIXED,**

Of legislative council and assembly, 14, 15 V. c. 174.

Of legislative council when also a Member of the executive council, 18 V. c. 89.

## SPECIAL CASE,

7 W. 4, c. 3—1837.

After issue joined, parties may agree upon and submit special case, s. 17.

## SPECIAL CONSTABLES,

10, 11 V. c. 12—1847.

Any two justices may appoint special constables in case of apprehended riot, felony, &c.

To be sworn in form given, *ib.*

Notice of appointment to be sent to provincial secretary, *ib.*

Justices may make regulations respecting, and remove, s. 2.

Powers of such constables and local extent thereof, s. 3.

May act in adjoining *districts* in certain cases, s. 4.

Penalty on persons appointed and refusing oath, s. 5.

“ for refusing to act, s. 6.

Justices may suspend, or determine services of, giving notice thereof to provincial secretary, s. 7.

Special constables to deliver up their staves, when discharged, s. 8.

Penalty for neglect, *ib.*

Punishment for assaulting, or encouraging others as to do, s. 9.

Remuneration of, s. 10.

Special sessions under this Act may be adjourned, s. 11.

Limitation of prosecutions under this Act, s. 12.

Penalties, how recoverable, s. 13.

Form of conviction:—not to be void for want of form, s. 14, 15.

Indemnity to persons acting under this Act, s. 16.

## SPECIAL JURY,

13, 14 V. c. 55—1850.

Either party may demand, except in treason or felony, s. 29.

Proceedings for obtaining, ss. 40, 41.

To be taken from the grand jurors rolls, s. 42.

Mode of balloting for and striking the list, s. 43, 44.

Superior courts may order certain cases to be tried by merchants, &c., s. 45, 46.

Mode of striking by elisors, s. 47.

May try any number of cases by consent, s. 48.

Fees and costs of trial in, s. 49.

*See also* Juries.

## SPIRITUOUS LIQUORS,

*See* Liquors Spirituous.

## STACKS OF CORN, GRAIN, &amp;c.

10, 11 V. c. 4—1847.

Attempting to set fire to any stack, felony, when, s. 7.

18 V. c. 92—1855.

Setting fire to, felony, s. 35.

## STABBING,

4, 5 V. c. 27—1841.

With intent to murder, felony, death, s. 9.

## STABBING,

18 V. c. 92—1855.

Defendant acquitted of the felony may be found guilty of unlawfully stabbing, s. 31.

## STAMFORD TOWNSHIP, (FALLS OF NIAGARA),

Council may make certain by-laws touching carriages, &c., 16 V. c. 35.

## STANDARD WEIGHTS AND MEASURES,

4 G. 4, c. 16—1823.

£75 granted for obtaining a complete set of weights and measures, according to standard in England, s. 2.

To remain in charge of provincial secretary, *ib.*

Secretary to furnish each district with a true standard, s. 3.

16 V. c. 193—1853.

The 5 W. 4, c. 7, repealed s. 1.

Standard weights of different kinds of grain, pulse and seeds fixed as equal to a Winchester bushel, s. 2.

In contracts for sale the weight of a bushel and not the measure to be intended, unless the contrary agreed, s. 2.

Act to extended to Lower Canada, 18 V. c. 15.

*See also* Weights and Measures.

## STARR, DR. R. N.,

For giving effect to his will, 12 V. c. 174.

## STATISTICS, &amp;c.

*See* Census—Geological Survey—Registration and Statistics—Returns—and *Supplement*.

## STATUTE LABOUR,

12 V. c. 81—1849.

Municipalities empowered to make by-laws to enable land-owners to compound for, and to direct application of, s. 31.

14, 15 V. c. 85—1851.

Firemen, may be exempt from, under by-law of corporation, after seven years' service.

14, 15 V. c. 77—1851.

Military pensioners when enrolled as a police force exempt from, s. 4.

16 V. c. 182—1853.

Inhabitants of any city, incorporated town or village (not exempt by law and not taxed to the amount of 10s.) to be taxed 10s. in lieu of statute labour, s. 35.

Inhabitants of townships, not otherwise assessed, liable to two days statute labour and if assessed, according to scale, s. 36, viz :

At not more than £50, liable to 2 days' labour.

At more than £50 but not more than £100 to 3 days' labour.

|   |     |   |     |   |   |
|---|-----|---|-----|---|---|
| " | 100 | " | 150 | 4 | " |
| " | 150 | " | 200 | 5 | " |
| " | 200 | " | 300 | 6 | " |



## STATUTE LABOUR,

At more than £300 but not more than £400 to 7 days' labour.

|   |     |   |      |    |   |
|---|-----|---|------|----|---|
| " | 400 | " | 500  | 8  | " |
| " | 500 | " | 600  | 9  | " |
| " | 600 | " | 800  | 10 | " |
| " | 800 | " | 1000 | 12 | " |

For every 200 above the sum of 1000 1 "

Unless the municipality shall by by-law direct commutation, *ib.*

Proviso : municipal council may by by-law reduce or increase the number of days, maintaining the same proportion, *ib.*

Payment of, under the 35th and 36th sections may be enforced by distress, or committal, s. 37.

Statute labour of non-residents commuted at 2s. 6d. a day, s. 38.

*See also* Highways.

## STATUTES, PROVINCIAL,

41 G. 3 c. 11—1801.

Of U. C. to be in force from time of Royal assent, s. 1.

Date of Royal assent to be endorsed on, *ib.*

1 W. 4, c. 1—1831.

Whether public or private, to be noticed judicially, s. 2.

7 W. 4, c. 14—1837.

Interpretation of words, &c., generally used in.

*See also the several Words, &c., interpreted.*

7 V. c. 4—1843.

Copies of statutes either of L. C. or U. C., printed by authority, to be evidence in both section of the province.

8 V. c. 68—1845.

For the distribution of.

Former Acts repealed, s. 1.

Certified copies to be furnished to the Queen's Printer by the Clerk of the Legislative Council, s. 2.

Printed copies to be transmitted or delivered by the Queen's printer, s. 2, viz :

To the members of both houses of the legislature such number as may, by a joint resolution, or by order in council be directed.

To such public departments, bodies, and officers as may be specified by order in council.

A list of the number required to be sent by the secretary to the printer within 15 days after each session, s. 4.

Remaining copies how disposed of, s. 5.

Queen's printer to report the number issued and remaining, s. 6.

12 V. c. 10—1849.

For the interpretation of.

*See also* Interpretation—and the several Words, &c., interpreted.

12 V. c. 16—1849.

Parties obtaining private or personal Acts to furnish one hundred and fifty copies to Government, s. 3.

## STATUTES, PROVINCIAL,

14, 15 V. c. 81—1851.

All local, private, and personal Acts to be printed and distributed in same manner and to the same functionaries as the general Acts, s. 1.

Parties obtaining personal or private Acts to furnish at their own cost 150 copies as required by 12 V. c. 16.

18 V. c. 88—1855.

New form of enacting clause, s. 1.

Clauses to be in a concise and enunciative form, s. 2.

## STEALING,

*See Larceny.*

## STEAMERS,

16 V. c. 9—1852.

Line of to United Kingdom, £19,000 a year granted during 7 years, to encourage on certain conditions.

*See also Navigation—Steamboats.*

## STEAMBOATS,

1 V. c. 18—1838.

Guards to be erected about machinery of, s. 1.

Collector of customs to examine guards of, s. 2.

Penalty for neglect, s. 4.

Certificate of sufficiency to be given, s. 5.

14, 15 V. c. 126—1851.

Inspectors of hull and of machinery, to be appointed by the Governor, s. 4.

To give certificates of hull inspected, s. 5.

Fee for the same, £2 10s., *ib.*

To give certificates of inspection of boiler and machinery, s. 6.

Certificate not to be given unless steamboat provided with a proper steam guage, s. 6.

Fee for inspection, £2 10s., *ib.*

Hull to be inspected once in 12 months—boiler and machinery once every 6 months, under penalty of £100, s. 7.

Steam guage to be erected in a conspicuous place for the inspection of passengers; and upon the stoppage of the vessel for any purpose, safety valve to be opened, under penalty of £50, s. 8.

Exceeding steam pressure limited in certificate, concealing or falsifying steam guage, &c., penalty for, £50, *ib.*

Steamboats to carry two long boats, competent to carry twenty persons each; exceeding 200 tonnage, then not less than three boats, under penalty of £50, s. 9.

To be provided with fire-engine and hose, &c., under penalty of £50, s. 10.

Owners liable for damages through wilful default of the master, s. 11.

Penalties, how recoverable, s. 12.

16 V. c. 167—1853.

One of the boats, at least, to be a life-boat, s. 1.

Steamers to carry life-preservers, s. 2.

**STEAMBOATS,**

To have means of escape to the upper deck provided, s. 3.  
*See also* Navigation, *as to* Steamboats and other vessels.

**STEAM DREDGE,**

4, 5 V. c. 44—1841.

Transferred to the board of works, s. 1.  
 £447 4 2 granted to defray certain expenses of.

**STEVENS, AARON,**

His attainder reversed, &c., 14, 15 V. c. 170.

**STILLS,**

*See* Distillers.

**STOCK,**

2 W. 4, c. 6—1832.

In any bank, corporation or company liable to be taken and sold in execution as other personal property, s. 1.  
 Sheriff's certificate of sale, to authorize a transfer on books of Company, s. 2.

12 V. c. 23—1849.

Shares and dividends of stockholders to be held personal property and liable to seizure and sale under execution, s. 1.

Mode of proceeding to such sale, &c., *ib.*

Sheriff to serve a copy of the writ on the company with notice of seizure, s. 2.

Stock not to be transferred while under seizure.

Provision if there be more than one place where service can be made on the Company, s. 3.

Shares to be deemed personal property found, by the Sheriff, s. 4.

Sale under, to include all dividends, &c.

Saving of other remedies, s. 5.

What shall be incorporated Companies under this Act, s. 6.

**STOCKHOLDERS,**

12 V. c. 10—1849.

In incorporated companies, limitation of liability, when no other provision is made, s. 5, *art.* 24.

**STOLEN PROPERTY,**

4, 5 V. c. 25—1841.

Owners of entitled to restitution upon conviction, s. 49.

Taking reward, for recovery of, without bringing the offender to trial, felony, s. 50.

Advertising for the return of, without inquiry, how punishable, s. 51. *See also* Larceny, s. 6.

**STONE CREEK HARBOUR COMPANY,**

Incorporated, 5 W. 4, c. 14.

**STRATFORD AND HURON RAILWAY COMPANY,**

Incorporated, 18 V. c. 184.

**STREETSVILLE PLANK-ROAD COMPANY,**

Incorporated, 10, 11 V. c. 95.

**STRYCHNINE,**

*See* Poison.

**STUART, JOHN,**

Divorced from Eliz. VanRensselaer, 3 V. c. 72.

**SUBMISSION TO ARBITRATION,**

7 W. 4, c. 3—1837.

Irrevocable in certain cases, s. 29.

**SUMMARY CONVICTION,**

4, 5 V. c. 24—1841.

Defendant entitled to defend by counsel or attorney in all cases of summary conviction, s. 10.

14, 15 V. c. 119—1851.

Under the 4, 5 V. c. 25, 26, 27, warrant of distress may be issued for fine and costs, s. 4.

In default of levy, defendant may be committed, *ib.*

Prosecutor failing, if liable to costs, warrant of distress may be issued for, s. 5.

16 V. c. 178—1853.

In all cases, justices may, in their discretion, award costs to prosecutor upon conviction, and in case of dismissal of complaint, may award costs against prosecutor, s. 17.

*See also* Justices of the Peace—Malicious Injury to Property—Petty Trespasses—and the matters to which the convictions relate.

**SUMMONS,**

2 W. 4, c. 4—1832.

One justice may issue, on information to be heard before two justices, s. 2.

*See also* 16 V. c. 178, s. 25—and Justices of the Peace.

**SUNDAY,**

7 V. c. 14—1843.

Exemption from toll on public roads going to or returning from Divine Service on Sundays or holidays, s. 2.

8 V. c. 45—1845.

To prevent profanation of.

No sale to take place on Sunday, s. 1.

No person to work at his ordinary calling on, *ib.*

Certain exceptions, *ib.*

Tippling, &c., prohibited at inns and taverns, &c., on, *ib.*

Public meetings, games, and idle amusements, hunting, shooting, bathing in exposed places, &c., prohibited on, *ib.*

Sales and contracts made on, to be void, s. 2.

Penalty on offenders not exceeding £10 nor less than 5s, s. 3.

Mode of prosecution, before one justice, s. 4.

Conviction to be in the form given, s. 5.

In default of distress, commitment not exceeding three calendar months, s. 7.

## SUNDAY,

Prosecutions to be brought within one month ; who may be witnesses, s. 8.

Appeal given to the sessions, s. 9.

Convictions to be transmitted to the sessions, s. 10.

Indemnity clause for things done under this Act, s. 11.

Distribution of penalties, s. 12.

16 V. c. 179—1853.

Search warrants, and other warrants may be issued on, s. 3.

## SUPPLIES,

Since the Union,—viz: for—

Salaries, retiring allowances and expenses connected with the legislature of Canada, Upper Canada and Lower Canada, 4, 5 V. c. 45, 1841.

To make good certain advances to the two houses of legislature of Upper Canada, 4, 5 V. c. 46, 1841.

Divers expenses of the civil government up to 31st Dec., 1841, including emigration and geological survey, 4, 5 V. c. 50, 1841.

Expenses of civil government for 1842, and from 1st Jan. to 31st March, 1843, 6 V. c. 9.

Expenses of civil government for 1845, 8 V. c. 69.

Authorizing the charge of certain advances for expenses of the civil government in 1843 and 1844, 8 V. c. 70.

Authorizing the charge of certain advances for expenses of civil government, and for public works, 8 V. c. 71.

Expenses of civil government for 1846, and for public works, 9 V. c. 63.

Expenses of civil government for 1847, public works and education, 10, 11 V. c. 34.

Expenses of civil government for 1848, 11 V. c. 8.

Expenses of civil government for 1849, public works, education, lunatic asylum, U. C., &c., 12 V. c. 32.

Expenses of civil government for 1849 and 1850, education, &c., 13, 14 V. c. 1.

Expenses of civil government for 1851, education, public works, &c., as per schedule, 14, 15 V. c. 46.

Expenses of civil government for 1852, education, &c., as per schedule, 16 V. c. 155.

Expenses of civil government for 1853, education, public works, &c., as per schedule, 16 V. c. 156.

Expenses of civil government for 1854, education, public works, &c., as per schedule, 18 V. c. 4.

Expenses of civil government for 1855, education, public works, &c., 18 V. c. 90.

*See also Civil List—Finance—Salaries—and the matters for which special Acts have been passed granting money.*

## SURGEON,

*See Physic and Surgery.*

## SURROGATE COURT,

33 G. 3, c. 8—1793.

The governor authorised to appoint in each district, s. 2.

## SURROGATE COURT,

- When, probate or letters of administration to be granted by court of probate only, s. 3.
- Court to be provided with a seal, s. 4.
- Surrogate's oath, s. 5.
- Steps to be taken in granting administration to persons not next of kin, s. 11.
- Temporary administration, when may be granted, *ib.*
- Bond to be given by applicant with sureties, s. 12.
- Form of, *ib.*
- Distribution of proceeds of intestate's estate, s. 13.
- Not to be made until the end of one year, *ib.*
- Security to be given to the administrator for refunding in case of debts discovered, *ib.*
- Process for disobedience, or contempt, s. 14.
- Court may attach and proceed to sequestration, *ib.*
- Administration with will annexed how grantable, s. 15.
- Security to be given, *ib.*
- Form of bond, *ib.*
- Appeals to lie from surrogate court to probate court, s. 16.
- “ to be made within 15 days after order, *ib.*
- Amount in question must exceed £50, *ib.*
- Terms of sitting, s. 17.
- Surrogate's fees, s. 18.

41 G. 3, c. 6—1801.

Doubts removed with respect to the authority for holding.

## SURVEYOR GENERAL,

8 V. c. 11—1845.

- Office of, consolidated with commissioner of crown lands, s. 1.
- Powers and duties of, to be vested in and performed by commissioner of crown lands, s. 2.

## SURVEYORS AND SURVEYS,

12 V. c. 35—1849.

- To repeal former Acts, and make better provision respecting.
- Repeal of former Acts and ordinances, s. 1.
- Boundaries, &c., under them to remain valid, *ib.*
- Sect. 2 (penalty for practising without license) *is repealed by 18 V. c. 83, sec. 1.*
- Qualification and apprenticeship, s. 3.
- Proviso, in favor of persons who have already been admitted in L. C., or other parts of Her Majesty's dominions, *ib.*
- Proof of service of apprenticeship, *ib.*
- Candidates to undergo examination before a board, s. 4.
- How such board shall be composed, *ib.* *But see 14, 15 V. c. 4, sec. 2.*
- Certificates to be given to those found qualified; they may be examined on oath as to their actual practice in the field, &c.
- Board to appoint a secretary, s. 5.
- Meetings of the board, on the first Monday in January, April, July and October, s. 6.
- Candidates to give notice to the secretary, s. 7.

## SURVEYORS AND SURVEYS,

Contribution by, towards expenses of the board, s. 8, *as amended by* 18 V. c. 83.

Candidates admitted, to give security and take oath of allegiance, s. 9.

Board may suspend or remove surveyors guilty of gross negligence or corruption, and after what proceedings, s. 10.

Chainbearers to be sworn: not to be related to parties interested, s. 11.

Standard measures to be kept by commissioner of crown lands, s. 12.

Surveyors to have a standard certified by commissioner of crown lands, under penalty of forfeiture of license, s. 13.

Length of chains and instruments to be verified thereby previous to any survey, *ib.*

Punishment of parties molesting surveyors on duty, s. 14.

Surveyor authorized to examine lines, and pass over lands, &c., doing no actual damage, *ib.*

*Sections 15 to 25, both inclusive, relate to Lower Canada only.*

*For sections 26 to 39, both inclusive, relating to the mode of drawing boundary lines in U. C.,—See Boundary Lines.*

*Sect. 40 is repealed by 18 V. c. 83, s. 1.*

Provisions respecting the boundary lines of lots fronting on allowances for roads or streets in towns or villages, s. 41.

Owners of lands laid out as towns or villages, to deposit certified plans thereof with the registrar of the county, s. 42.

Penalty for neglect, *ib.*

Copies thereof, certified by the registrar, to be received in evidence, *ib.*

Duties, fees, &c., of registrar as to such plan, s. 43.

As to boundary lines of lands in adjoining concessions, included in the same grant, s. 44.

Surveyors to keep regular journals and field notes, and furnish copies to parties interested, s. 45.

May administer oaths to witnesses concerning any boundary, &c., s. 46.

Evidence to be reduced to writing and signed, s. 47.

False swearing to be perjury, s. 48.

In actions of ejectment, jury may assess damages to defendant for loss of improvements made by him in consequence of erroneous survey, assessing also the value of the land recovered, s. 49.

Plaintiff recovering must pay such damages, or release the land on payment of value so assessed, *ib.*

Defendant to have costs in such cases, if he defends only for improvements, after notice, unless the damages are assessed at less than he demands, s. 50.

Interpretation clause, s. 51.

14, 15 V. c. 4—1851.

Two boards of examiners to be appointed—one for Lower Canada, to meet at Quebec; the other for Upper Canada, to meet at Toronto, s. 2.

Any three to form a quorum: their powers and duties, &c., *ib.*

Notice to be given by applicants for admission, s. 3.

## SURVEYORS AND SURVEYS,

Fee for certificate, £5, s. 4.

Oath of allegiance to be deposited with registrar in U. C., s. 5.

Indentures to be filed with secretary within two months after date, s. 6.

Standard measures to be deposited with the board, s. 8.

Secretary to examine surveyor's measures, and stamp them if correct, *ib.*

18 V. c. 83—1855.

Sections 2 and 40 and part of section 8 of the 12 V. c. 35, 1849, repealed s. 1.

Examiners of applicants for admission, how paid, *ib.*

None but licensed persons under this or former Acts to act as Surveyors, s. 2.

Fee on transmission of articles to secretary of the board, s. 3.

Applicants to be examined before they can become apprentices to surveyors, s. 4.

Fees on examination and qualification, *ib.*

Applicants having served their apprenticeship before this Act, not to be rejected for mere informality, &c., s. 5.

Allowance to surveyors summoned as witnesses, s. 7.

Proceedings when a surveyor shall require any information or document in the possession of a third party refusing to give or produce the same, s. 7.

Order of Judge may be obtained for compelling any person to give such information, or produce such document, *ib.*

Municipal councils may cause the boundaries of lots in any concession, &c., to be ascertained and marked under section 31 of 12 V. c. 35, s. 8.

Expenses, how to be paid, *ib.*

Mode of drawing lines in double fronted concessions, s. 9.

Case where the original post or monument cannot be found, provided for, s. 10.

## SURVEYS AND BOUNDARIES, (Local Acts.)

*See Supplement—And the Localities by their names.*

## SWEARING PROFANE,

12 V. c. 81—1849.

Municipalities authorized to make by-laws for preventing, s. 6, *art.* 10.

## SWINE,

12 V. c. 81—1849.

Municipalities authorized to make by-laws for restraining the running at large, s. 31, *art.*, 9.

## SYDENHAM HARBOUR COMPANY,

Incorporated, 4, 5 V. c. 56.

## SYDENHAM MOUNTAIN ROAD COMPANY,

Incorporated, 4, 5 V. c. 80.

Road vested in G. Rolph, 14, 15 V. c. 150.



**TACKING MORTGAGES,**

Declared unjust, &c. *See* Registry Laws 13, 14 V. c. 63, s. 4.

**TALBOT DISTRICT,**

Erected, 7 W. 4, c. 33.

Additional tax authorized, 1 V. c. 36.

**TAVERN LICENSES,**

8 V. c. 72—1845.

Proceeds of appropriated to municipal purposes, s. 3.

Chargeable in first instance with Upper Canada rebellion losses, s. 4. *But see* 16 V. c. 184, *repealing all Provincial duties and giving the whole of those under the Imp. Act to the Municipalities.*

**TAVERNS,—See** Liquors, Spirituous.

**TAXES, (LOCAL,)**

13, 14 V. c. 69—1850.

Recovery of from 1836 to 1849, provided for.

Who may collect them, s. 1.

Notice to party in default, mode of enforcing payment, s. 2.

To be paid over to proper treasurer, s. 3.

16 V. c. 182—1853.

Tenant may deduct from rent, unless otherwise agreed, s. 7.

Deeds of sale for, before 1851, to be registered under the 6 G. 4, c. 7, notwithstanding the repeal of that Act.

*See also* Assessments—District Councils.

**TAY NAVIGATION COMPANY,**

Incorporated, 1 W. 4, c. 10.

Provincial loans to, authorized, 4 W. 4, c. 42; 7 W. 4, c. 75.

Charter amended, 7 V. c. 57.

**TELEGRAPHS, ELECTRO-MAGNETIC,**

13, 14 V. c. 31—1850.

To protect from injury.

Malicious injury to, punishable by imprisonment not less than five nor more than thirty days, or by fine not exceeding £10, or by both, s. 1.

One justice of the peace to have jurisdiction, *ib.*

Penalties, how enforced and applied, *ib.*

16 V. c. 10—1852.

General incorporation of companies for constructing.

Associations, how formed, s. 1.

Certificate to be made and filed, and particulars which it must contain, s. 2.

Incorporation of the company, s. 3.

General corporate powers, s. 4.

Power to construct lines of telegraph, s. 5.

Malicious injury to any such line, to be a misdemeanor, and how punishable, s. 6.

Increase of capital, provision for, s. 7.

Debts of company not to exceed one half their capital, s. 8.

Existing companies may avail themselves of the Act, s. 9.

Duties of companies in transmitting despatches, s. 10.

Preference to be given to messages of the Government, or those relating to the administration of justice, *ib.*

**TELEGRAPHS, ELECTRO-MAGNETIC,**

Operator divulging secrets, to be guilty of misdemeanor, and punishable by fine not exceeding £25, &c.. s. 11.  
 Government may assume the works, temporarily, s. 12.  
 May assume the entire property, after two months notice, s. 13.  
 Compensation to be settled by arbitration in case of difference, s. 14.  
 Municipal corporations and joint stock companies may take stock in, s. 15.

**TEMPERANCE REFORMATION SOCIETY OF TORONTO,**  
 Incorporated, 14, 15 V. c. 160.**TEMPERANCE,**

*See* Grand Division of Sons of.

**TENANCY AT WILL,**

4 W. 4, c. 1—1834.

To cease at a year from commencement, s. 19.

**TENANCY JOINT,**

4 W. 4, c. 1—1834.

Must be created expressly, except in certain cases, s. 48.

**TENANTS,**

4, 5 V. c. 25—1841.

Stealing any chattel or fixture let with any house or lodging to be guilty of felony, s. 37.

**TENANT, OVERHOLDING,**

4 W. 4, c. 1—1834.

More easy remedy against, s. 53.  
 Application to court, or judge in vacation, for a writ, *ib.*  
 Affidavit to be made, writ of inquiry to issue, *ib.*  
 Notice of holding inquisition to be given, *ib.*  
 Landlord to be placed in possession, if the case proved be within the Act, *ib.*  
 Proceedings may be revised and tenant restored, s. 54.  
 Judges of Queen's bench may make rules respecting, and enforce payment of costs, &c., s. 55.  
 Commissioners to be sworn, s. 56.

**TENDER,**

16 V. c. 158—1853.

Legal, in silver, limited to £2 10s., s. 9.  
 Legal, in copper, limited to one shilling, s. 10.  
 What coins shall be, viz : coins struck by Her Majesty for the purpose,—British silver—British copper—American gold—other foreign gold coins specially mentioned in any proclamation, ss. 7, 8, 10, 11, 12.

**TERMS OF SUPERIOR COURTS OF COMMON LAW,**

12 V. c. 63—1849.

Times of commencement and ending, s. 19.

## TERRITORIAL DIVISIONS,

*See Counties and Territorial Divisions—Representation—  
Unorganized Tracts—Townships.*

## TESTATOR,

*See Wills.*

## TESTATUM—CAPIAS AD RESPONDENDUM,

8 V. c. 36—1845.

To allow the issuing of, and for other purposes.

12 V. c. 68—1849.

Act to amend the above. *See these two Acts and also 16 V. c. 63, s. 34, (under title Common Law Superior Courts) for the remaining provisions.*

## TESTATUM—FIERI FACIAS,

7 W. 4, c. 3—1837.

Writ of unnecessary, s. 33.

## THAMES, RIVER,

Erection of mill-dams authorized in certain cases, in townships of Caradoc and Lobo and other places, 3 W. 4, c. 41 ; 6 W. 4, c. 24 ; 3 V. c. 40.

*See also Tunks, R.*

3 W. 4, c. 28—1833.

To prevent felling timber into, s. 1.

Penalty therefor, and how applied, s. 23.

3 V. c. 51—1840.

Grant for completing bridge over the Thames at Chatham.

THOMPSON, J. R., AND JESSUP, H.,  
Admission as attorneys, &c., 12 V. c. 173.

THOMPSON, A.,

Road allowance, township of Woodhouse, vested in him, 14, 15 V. c. 38.

## THREATS,

4, 5 V. c. 25—1841.

Obtaining money by threat of false accusation of abominable crimes, felony, s. 8.

Demanding money, &c., by menaces, or by force, with intent to steal, felony, s. 11.

Sending threatening letters, &c., to extort money, &c., felony, s. 12.

Stealing in any dwelling-house and by menace or threat putting any person in bodily fear, felony, s. 17.

## THRESHING MACHINE,

4, 5 V. c. 26—1841.

Maliciously destroying or damaging any, felony, s. 5.

## TILBURY EAST,

*See Romney.*

## TIME,

2 G. 4, c. 1—1822.

Computation of, in rules of court, s. 22.

12 V. c. 10—1849.

Interpretation of the words “now” “next” “month” in future statutes, s. 5. *art.* 10, 11.

## TIMBER,

*See* Lands, Public—Lumber.

TIMBER, TRANSMISSION OF DOWN RIVERS, &c., by construction of slides, &c.

*See* Rivers, &c., improvement of.

## TITLES AND TRUSTS, (PRIVATE ACTS),

Confirming titles, granting power to hold or dispose of property. *See Supplement,—and the parties concerned by name.*

## TOLLS,

7 V. c. 14—1843.

Vehicles laden with manure, or returning empty, exempt from, s. 1.

Going to or returning from Divine Service on Sunday, or obligatory holiday, exemption from, s. 2.

Persons going from one part of their lands to another, within half a mile, also exempt, s. 3.

Act not to extend to private toll-bridges, s. 4.

16 V. c. 190—1853.

Joint stock company consolidation Road Act.

Going to or returning from farm adjoining opposite any line of road made under the authority of this Act, toll free, s. 39.

*See also* Macadamized Roads—St. Lawrence Canals—Railways—Public Works—Roads, &c.

## TONNAGE DUES,

14, 15 V. c. 52—1851.

All tonnage dues repealed, and expenses of light-houses provided for.

## TORBOLTON TOWNSHIP,

Corporation of, to legalize, 16 V. c. 36.

## TORONTO, GOVERNMENT BUILDINGS, AT,

16 V. c. 161—1853.

Appropriation for, £50,000. *See* Government Buildings.

## TORONTO UNIVERSITY,

*See* University of Toronto.

## TORONTO, ROADS NEAR,

*See* York.

**TORONTO,**

Executive Councillors, being Justices of the Peace for the Home district, may act in, 3 V. c. 47 (?)  
*Saved from repeal* by 12 V. c. 80.

**TORONTO CORPORATION,**

May take stock in Toronto, Simcoe and Lake Huron railroad, 13, 14 V. c. 81.  
 May negotiate a loan to consolidate their debt, 16 V. c. 5.  
 Peninsula and Marsh vested in, on certain conditions, 18 V. c. 145.  
 May construct an esplanade, 16 V. c. 219.

**TORONTO ATHENÆUM,**

Incorporated, 11 V. c. 16.  
 Charter amended, 18 V. c. 236.

**TORONTO BOARD OF TRADE,**

Incorporated, 8 V. c. 24.

**TORONTO DRY DOCK COMPANY,**

Incorporated, 10, 11 V. c. 85.

**TORONTO EXCHANGE,**

Incorporated, 18 V. c. 54.

**TORONTO GAS-LIGHT AND WATER COMPANY,**

*See* City of Toronto.

**TORONTO GENERAL BURYING GROUND,**

Certain persons enabled to hold land for, 7 G. 4, c. 21.  
 Ground vested in trustees, 12 V. c. 104.  
 Trustees may acquire a new ground, 14, 15 V. c. 167.  
 May close it, and establish new cemetery, 18 V. c. 146.

**TORONTO AND GODERICH RAILWAY COMPANY,**

Incorporated, 10, 11 V. c. 123.

**TORONTO AND GUELPH RAILWAY COMPANY,**

Incorporated, 14, 15 V. c. 148.  
 Charter amended, 16 V. c. 41.  
 Union with Grand Trunk Railway Company, 18 V. c. 33, ss. 1, 2.

**TORONTO, HAMILTON AND NIAGARA AND ST. CATHARINES E. M. TELEGRAPH COMPANY,**

Incorporated, 10, 11 V. c. 81.

**TORONTO HARBOUR,**

Management of, to provide for, 13, 14 V. c. 80.

**TORONTO HOSPITAL,**

Trustees incorporated, 16 V. c. 220.

**TORONTO HOUSE OF INDUSTRY,**

Trustees of, incorporated, 14, 15 V. c. 35.

**TORONTO AND LAKE HURON RAILROAD COMPANY,**

*See* City of Toronto, &c.

TORONTO LOCOMOTIVE MANUFACTURING COMPANY,  
Incorporated, 16 V. c. 248.

TORONTO MECHANICS' INSTITUTE,  
Incorporated, 10, 11 V. c. 102.  
Charter amended, 13, 14 V. c. 142.

TORONTO NECROPOLIS,  
Incorporated, 13, 14 V. c. 141.

TORONTO ROYAL HOTEL COMPANY,  
Incorporated, 16 V. c. 148.

TORONTO, ST. JAMES' CHURCH AT,  
To enable Rector, &c., to lease part of ground formerly  
occupied as site of church, 12 V. c. 105.

TORONTO, SIMCOE AND LAKE HURON RAILROAD UNION  
COMPANY,  
Incorporated, 12 V. c. 196.  
Charter amended, and name changed, 13, 14 V. c. 131.  
*See* Ontario, Simcoe, &c., 16 V. c. 51.

TORONTO SCHOOL OF MEDICINE,  
Incorporated, 14, 15 V. c. 155.

TOWN REEVE,  
12 V. c. 79—1849.

Word interpreted to include deputy town-reeve, s. 5.

12 V. c. 81—1849—as amended by subsequent Acts.

One to be elected by township councillors at their first meeting, s. 24.

And in townships having 500 resident freeholders and householders on collector's roll, one deputy town-reeve, *ib.*

One town reeve to be elected for every incorporated village in like manner as in townships, s. 53.

One to be elected by town council of every incorporated town, s. 77.

And where 500 resident freeholders and householders on collector's roll, a deputy town-reeve, *ib.*

Town-reeves and deputy town-reeves to constitute the municipal council of the county; certain requirements to be complied with before they take their seats. Sect. 13 of 16 V. c. 181, *substituted for* s. 33 of *this Act*.

Town-reeve of each township and village to be the head of the municipality, s. 108.

Town-reeves and deputy town-reeves to be justices of the peace *ex officio* within their respective localities. Sect. 22 of 16 V. c. 181, *substituted for* s. 109 of *this Act*.

*See also* Municipal Corporations.

## TOWNS,

12 V. c. 81—1849—as amended by subsequent Acts.

Named in schedule B, incorporated, with certain powers, to be exercised through the town council, s. 61.

## TOWNS,

- Three councillors to be chosen for every ward by the male resident freeholders and householders, s. 62.
- Elections to take place annually on the first Monday in January, s. 63.
- Returning officers to be appointed by the town council, s. 64.
- Qualification of town councillors and electors. Sect. 17 of 16 V. c. 181, *substituted for s. 65 of this Act.*
- Mayor to be elected by town councillors on the second Monday after election of town councillors—to have the same powers as a town-reeve of a village, s. 66.
- Town council to have the powers and duties of the municipality of any village, s. 67.
- Gaol and court houses, &c., of the county, to be the gaol, &c., of such town, s. 68.
- Provision for a police office and police magistrate, s. 69.
- To be appointed by the government, and to be *ex officio* a justice of the peace, s. 70.
- Salary not less than £100 per annum, payable by the town, *ib.*
- May suspend constables, and appoint others, s. 71.
- Offences against by-laws may be prosecuted before police magistrate, s. 72.
- Town clerks, to be clerks of police offices, s. 73.
- Incorporated towns to have one chief constable, and one or more constables for each ward, s. 74.
- Power of the Governor to appoint justices for the town, not affected; limitation of their powers, s. 75, *as amended by 13, 14 V. c. 64, and 14, 15 V. c. 109.*
- Oaths of office to be taken before the mayor or police magistrate, s. 76.
- Town council to elect one town reeve, s. 77.
- And where 500 resident freeholders and householders, a deputy town reeve, *ib.*
- Town-reeves and deputies to be members of the county council, *ib.*
- Town council to appoint three assessors and one collector for each ward; qualification of those officers, s. 78.
- Any incorporated village containing upwards of 3000 inhabitants may, upon petition, be incorporated by the Governor in council, as a town, s. 79.
- No town to be divided into less than three wards, *ib.*
- No ward to contain less than 500 inhabitants, *ib.*
- Town council, how composed, and powers of, s. 80.
- To have all the powers of councils of incorporated villages, *ib.*
- Mayor and other officers, their powers, *ib.*
- Town council authorized to make by-laws for certain purposes, in addition to the purposes for which councils of incorporated villages may make by-laws, s. 81,—viz :
1. Establishing police, workhouse, house of correction : regulating erection of buildings.
  2. Establishing an industrial farm.
  3. Lighting the town.
  4. Licensing livery stables and public conveyances (*See also 13, 14 V. c. 64*).
  5. Assessing real property in special localities for special purposes.
  6. Sweeping and watering streets.
  7. Borrowing money.
  8. Levying

## TOWNS,

money. 9. Carrying into effect any power vested in them: imposing limited fines. 10. Repealing or altering by-laws. *See also* 16 V. c. 181, s. 15.

*Schedule B. includes the following towns, viz:—Belleville, Brantford, Brockville, Bytown (since made a city), Cobourg, Cornwall, Dundas, Goderich, London, Niagara, Peterborough, Picton, Port Hope, Prescott, St. Catharines; and is amended, as to the boundaries, &c., of Belleville, Cobourg, Picton, Port Hope, Prescott and St. Catharines, or their division into wards, by 13, 14 V. c. 64.*

*Schedule D. is supplied by 13, 14 V. c. 64, to which it is annexed. The towns in it are: Amherstburgh, Chatham, Guelph, Perth, Simcoe, Woodstock, in the first division, and Barrie, L'Original, Queenston and Sandwich, in the second. See, as to these towns, 12 V. c. 81, s. 205, and 16 V. c. 181, s. 34.*

16 V. c. 181—1853. .

Sects. 65, 84 and 115, of 12 V. c. 81, with amendments by subsequent Acts, repealed, s. 1.

Common councils of towns empowered to make by-laws for—1. Fixing a rent for drainage; 2. Assessing particular localities for certain special purposes; 3. Granting powers to gas and water companies; 4. Subscribing for stock therein, s. 15.

Persons not taxed to a certain amount to pay 10s. commutation for statute labour, s. 16.

New section substituted for repealed 65th sec. of 12 V. c. 81, 1849, s. 17.

Returning officers to procure copy of the collector's roll for the year next before the election, *ib.*

Qualification for town councillors to consist of real estate, rated on such roll to the amount of £20 per annum, and in case of a householder £40 per annum, *ib.*

Electors to be resident freeholders and householders, rated to the amount of £5 per annum, *ib.*

Not to vote in more than one ward, *ib.*

Joint occupiers may vote separately when the rate on their shares is sufficient, *ib.*

New section substituted for repealed sec. 84 of 12 V. c. 81, s. 19.

Any incorporated town containing more than 10,000 inhabitants, may petition to become a city, *ib.* *See Cities.*

Governor in council may, upon petition, extend the limits of incorporated town, and make a new division of wards, &c., s. 23.

New ward not to contain less inhabitants than the least populous ward of such town, *ib.*

First election under such new division, when, *ib.*

12 V. c. 35—1849.

Original owners, required to deposit plans of lands laid out as towns, villages, &c., with registrar, s. 42.

Plan to be certified by surveyor and owner, &c., *ib.*

Penalty of £2 10s. yearly for neglect, *ib.*

Copies certified by the registrar may be used in evidence, *ib.*



## TOWNS,

Registrar to record plans, and keep separate registry for titles under, s. 43.

## TOWNS AND CITIES (REPRESENTATION IN PARLIAMENT),

16 V. c. 152—1853.

City of Toronto to return two members—Kingston and Hamilton, one each; and towns of Brockville, Niagara, Cornwall, London and Bytown, one each, ss. 2, 3.

Township of Elizabethtown to form part of town of Brockville; township of Niagara, of town of Niagara; and township of Cornwall, of town of Cornwall, for representation purposes, s. 2, *art.* 24, 25, 26.

Towns and cities not to form, for electoral purposes, part of the counties in which they lie, s. 4.

Qualification of voters in township attached to a town for electoral purposes, to be the same as those of electors for counties, *ib.*

## TOWNSEND, (TOWNSHIP),

Re-survey of part of, 7 G. 4, c. 15:

## TOWNSHIPS,

8 V. c. 7—1845.

New townships in schedule A formed, s. 1. *But see* 14, 15 V. c. 5, *amending some of the descriptions.*

Subject to the laws regulating old townships, s. 2.

Sects. 3, 4, 6, 12, 14, *are repealed by* 12 V. c. 80; *and the remainder of the Act seems superseded by* 14, 15 V. c. 5, *which fixes the boundaries of the several counties,—12 V. c. 78, 79, abolishing districts,—and the provisions of the Municipal Acts.*

14, 15 V. c. 5—1851.

To make certain alterations in territorial divisions.

Upper Canada divided into counties, and of what townships each shall consist, s. 1.

What shall be the limits of townships bounded on lakes and rivers, s. 11.

New townships constituted, and others altered, ss. 14, 15, and schedules.

*See also*, Counties—Representation.

12 V. c. 11—1849.

To confirm the erection of certain townships.

All tracts set apart as townships since the Union, to be deemed townships, s. 1.

Small gores may be annexed to townships by proclamation, s. 2.

## TOWNSHIPS, INCORPORATION OF,

12 V. c. 81—1849.

Townships having 100 or more residents, on collectors roll for the last year, incorporated, s. 2.

Townships not having such number, to be attached to adjacent townships, as junior townships, s. 3.

Division of townships into rural wards, s. 4.

## TOWNSHIPS, INCORPORATION OF,

Place to be appointed in each ward for election of township councillors, s. 5.

By-law therefor to be published in Gazette, s. 6.

Copy of such by-law to be transmitted to returning officer, s. 7.

Election to be held by him under penalty, *ib.*

Provision for fresh division into wards, s. 8, *as amended* by 13, 14 V. c. 64, *and* 14, 15 V. c. 109.

Place of holding elections may be altered, s. 9.

Returning officer to be appointed, s. 10.

Provision for division of junior townships into wards in case of separation, s. 11.

Provision for separation of junior townships, s. 12.

“ for fresh division of townships remaining, s. 13, *as amended* by 14, 15 V. c. 109.

“ for elections, if proper alterations not made, s. 14.

Number of rural wards in each township, s. 15.

When a township united to another shall be separated from it and incorporated by itself, s. 16, *as amended* by 13, 14 V. c. 64.

Cities not to form part of townships, s. 17.

Continuation in office of then present township officers until fourth Monday in January, 1850, &c., s. 18.

Provision for elections in townships not divided into rural wards, s. 19.

Returning officer in such case, s. 20.

Annual election of township councillors to be held on first Monday in January, s. 21.

Production of collector's roll, and qualification of councillors and electors. Sect. 10 of 16 V. c. 181, *substituted for* s. 22 *of this Act.*

Five councillors to be elected, to hold office till the third Monday in January next following, s. 23.

One town-reeve to be elected at first meeting, s. 24.

One deputy town-reeve, in townships having 500 residents, *ib.*

Provision for adjournment, and special meetings, s. 25.

Council to appoint the place where meetings shall be held, s. 26.

Town-reeve to preside, or deputy town-reeve in his absence, s. 27.

Appointment of assessors and collectors, s. 28, *as amended* by 13, 14 V. c. 64.

Accounts to be audited, s. 29.

Boundaries of townships to be ascertained under 38 G. 3, c. 1, or any future Act, on the application of the municipality and not of quarter sessions, s. 30. *The 38 G. 3, c. 1, is repealed by 12 V. c. 35, which see, ss. 30 and 31; also 13, 14 V. c. 64, s. 7, which makes this section apply to boundaries to be drawn under that Act, and also 18 V. c. 83, enabling township councils to apply for the drawing of such boundaries.*

Township municipalities authorized to make by-laws for certain purposes, s. 31,—viz :

1. For the purchase of real and personal estate for municipal purposes.
2. For the erection and repair, &c.,

## TOWNSHIPS, INCORPORATION OF,

of a town-hall. 3. For the purchase of property for school purposes. 4. For the establishment of one or more pounds. 5. For the appointment of township officers. 6. For regulating and prescribing their duties. 7. For remuneration of township officers. 8. For regulating securities to be given by them. 9. For the regulation of drains and watercourses. 10. For opening, gravelling, macadamizing and stopping up, &c., highways. 11. For providing for the clearance of timber on the side of highways passing through a wood. 12. For the preservation of timber, stone, &c., upon any road allowance, and for the sale of any such timber. 13. For regulating the driving and riding over bridges. 14. For regulating inns, taverns, &c., and limiting their number, &c., (*see* Liquors Spirituous). 15. For making regulations as to pits, precipices and deep waters, or dangerous places. 16. For granting money to the county council, to aid in opening and improving the highways. 17. For regulating the manner of granting permission to joint stock companies to proceed with any road or bridge, &c. 18. For taking stock in, or lending money to, such companies. 19. For restraining and regulating cattle running at large. 20. For imposing a tax on or destroying dogs. 21. For the suppression and destruction of weeds. 22. For preventing or regulating public exhibitions, shows, &c. 23. For appraising damages by cattle trespassing. 24. For causing cattle impounded and not claimed to be sold. 25. For settling the height and description of lawful fences. 26. For procuring the establishment of boundaries and monuments, &c. 27. For empowering landowners to compound for statute labor for any term not exceeding 5 years. 28. For enforcing the performance of statute labor, (*amended by* 14, 15 V. c. 109). 29. For imposing fines and penalties not exceeding £5, and imprisonment not exceeding twenty days, for breach of by-laws, (*amended by* 13, 14 V. c. 64, and 14, 15 V. c. 109). 30. For borrowing money for public works. 31. For raising, and appropriating moneys by way of tolls on bridges, &c., to defray the expenses thereof, or by a rate. 32. For making other local regulations. 33. For the repeal and alteration of by-laws.

16 V. c. 181—1853.

Sec. 22 of 12 V. c. 81, (with amendments,) repealed, s. 1.  
Returning officer for a new township to procure copy of the collector's roll, s. 2.

Qualification of councillors and electors for new townships, *ib.*

County council to make by-laws for holding first election for new townships, s. 3.

Council of new township to enter into agreement with that of senior township respecting debts of former union, s. 4.

**TOWNSHIPS, INCORPORATION OF,**

Proviso for arbitration in case of difference, *ib.*

Award to be subject to jurisdiction of superior courts, *ib.*

Junior township to remain liable for debts of union, s. 5.

Provision for dividing townships into wards or abolishing such division, by by-law, upon petition of a majority of the electors, s. 6.

Votes of electors on such by-law, how taken, s. 7.

By-law if adopted not to be altered except as provided, s. 8.

Additional powers to township municipalities for making by-laws for certain purposes, s. 9.

1. For taxing the township for certain purposes. 2.

For levying poor rates with consent of majority of electors. 3. For preventing cruelty to animals.

4. Remuneration of councillors. 5. Granting power to gas and water companies. 6. And to railway companies.

Qualification of township councillors and electors, and how ascertained, s. 10.

In certain cases junior townships may petition for separation, and county council may separate them, although they do not contain more than 50 electors, s. 11.

Returning officer how appointed for such townships, *ib.*

By-laws of senior township to continue in force until altered or repealed, *ib.*

*See also, Municipal Corporations, more especially MISCELLANEOUS PROVISIONS.*

**TOWNSHIP AGRICULTURAL SOCIETIES,**

*See Agriculture.*

**TOWNSHIP OFFICERS,**

12 V. c. 81—1849.

Township councils authorized to make by-laws for appointment of, s. 31.

**TOWNSHIPS, BOUNDARY LINES OF,**

*See Boundary lines—Surveys—Townships—and the names of the several Townships, &c., of which the Boundaries have been fixed, &c., by special Acts.*

**TOWNSHIP TREASURER,**

*See Treasurers, Municipal.*

**TRADES OR CALLINGS,**

12 V. c. 81—1849.

Municipalities not to grant exclusive rights for exercise of trades, s. 116.

**TRADERS, INSOLVENT,**

*See Insolvent Debtors.*

**TRAFALGAR, ESQUESING AND ERIN ROAD COMPANY,**

Incorporated, 9 V. c. 98.

## TRAFALGAR, HARBOUR IN,

*See* Oakville.

## TRAININGS, UNLAWFUL,

1 V. c. 11—1838.

Meetings for the purpose of drilling, unlawful, s. 1.

Punishment for, and of persons present at, *ib.*

Justices authorized to disperse and commit offenders, s. 2.

*Sect. 4, 5, 6, were temporary and have expired.*

Concurrent jurisdiction given to justices in other districts, s. 7.

Protection for things done under this Act, s. 8.

Governor may declare by proclamation when this Act shall not be in force, s. 9.

Limitation of prosecutions, s. 10.

## TRANSPORTATION,

7 W. 4. c. 7—1837.

May be substituted for banishment, s. 1.

Punishment for returning from, s. 2. *But see* 4, 5 V. c. 24, and 6 V. c. 5, *which supersede the rest of this Act.*

4, 5 V. c. 24—1841.

Returning from, felony, s. 25.

6 V. c. 5—1842.

Imprisonment for a like term in the penitentiary, substituted for transportation, s. 4.

## TRAVELLING ON HIGHWAYS,

*See* Highways.

## TRAVERSE,

4, 5 V. c. 24—1841.

Not allowed in cases of misdemeanor, as of right, s. 3. *See also* 3 W. 4, c. 2, s. 3.

## TREASON, HIGH,

54 G. 3, c. 14—1814.

Provisions of British Acts, enabling the heir to inherit in certain cases, after attainder for high treason, repealed.

*But see* 4 W. 4, c. 1, s. 9.

3 W. 4, c. 3—1833.

Punishment for, death.

1 V. c. 9—1838.

For more speedy punishment of persons guilty of, escaping from justice. *But see* 12 V. c. 13—Pardon.

1 V. c. 10—1838.

Persons charged with may be pardoned on conditions.

9 V. c. 106—1846.

To restore the rights of persons, attainted for.

*See also* Attainder—Corruption of Blood—High Treason—Pardon—Rebellion, &c.

## TREASON, PETIT,

4, 5 V. c. 27—1841.

To be treated as murder, s. 2. *See also* 3 W. 4, c. 3, s. 3.

## TREASURERS, MUNICIPAL,

12 V. c. 81—1849.

To be appointed by the municipality, s. 171.

Their duties, s. 172, *as amended by* 13, 14 V. c. 64.

Duration of office, s. 173.

Books, papers and moneys, &amp;c., to be the property of the municipality, s. 174.

Fraudulent embezzlement of how punishable, *ib.*

16 V. c. 182—1853.

To give security, s. 76.

Treasurers of townships, towns or villages to pay over moneys collected for county purposes to county treasurer, within a certain period, s. 85.

Retaining 2½ per centage, *ib.*

## TREES,

2 V. c. 16—1839.

To prevent the felling of trees into rivers and creeks.

Conditions on which timber may be cut on the banks of certain rivers, s. 1.

Penalty for contravention of, *ib.*

Prosecution for, before two justices, s. 2.

Application of penalties, s. 3.

Exception of timber prepared for market, s. 4.

## TREES, SAPLINGS, SHRUBS,

4, 5 V. c. 25—1841.

Stealing, destroying or damaging with intent to steal any tree, sapling or shrub, s. 31.

Penalty not exceeding £5 over and above the value of the article, *ib.*

Penalty for having any unlawfully in possession, and how enforced, s. 33.

4, 5 V. c. 26—1841.

Malicious injury to any tree, sapling or shrub in any park or pleasure ground, &amp;c., misdemeanor, s. 19.

Malicious injury elsewhere, damage exceeding £1, misdemeanor, *ib.*

Maliciously destroying any, to the value of one shilling, punishable on summary conviction, s. 20.

## TRESPASSES, PETTY,

*See* Petty Trespasses.

## TRIAL BY JURY,

32 G. 3, c. 2—1792.

In civil cases, established.

## TRIAL BY PROVISIO,

*See* Proviso.

**TRINITY COLLEGE (TORONTO),**

Incorporated, 14, 15 V. c. 32.

**TROVER,**

7 W. 4, c. 3—1837.

Jury may give interest on trial, in nature of damages, s. 21.

**TRUST AND LOAN COMPANY,***See* Upper Canada Trust, &c.**TRUSTEES,**

12 V. c. 71—1849.

Receipts of, effectual discharges, unless the contrary be expressed in the instrument creating the trust, s. 10.

**TUNKERS,***See* Menonists—Quakers.**TUNKS, R.,**

Authorized to erect a mill-dam on the river Thames, 4 W. 4, c. 36.

**TURNER, JOHN,**

Admission as solicitor in chancery, 4, 5 V. c. 82.

**TURNPIKE ROAD COMPANIES,**

16 V. c. 190—1853.

Certain sections of this Act to extend to and regulate all turnpike road companies in Upper Canada, constructed under certain Acts mentioned in the preamble, viz : 12 V. c. 84—12 V. c. 5—or under the 13, 14 V. c. 14—or by any municipality authorized to construct or acquire roads, &c., s. 59.

Certain sections to extend to road companies having private Acts, *ib.*

*See also* Roads, Bridges, &c., Companies for constructing.**TURNPIKE GATE,**

4, 5 V. c. 26—1841.

Destroying any, or any fence, or weighing machine at, misdemeanor, s. 14.

*See also* Macadamized Roads—Roads and Bridges—Roads, Bridges, &c., Companies for constructing.**TWYNAM, W. E.,**

Admission as attorney, &amp;c., 14, 15 V. c. 44.

**TYTHES,**

2 G. 4, c. 32—1822.

Abolished.

## U N I

**UNIONS OF COUNTIES,**

12 V. c. 78—1849.

Counties mentioned in schedule A. to form unions, all purposes except representation, viz : Essex and Kent—Fron-

## UNIONS OF COUNTIES,

tenac, Lennox and Addington—Lanark and Renfrew—  
Leeds and Grenville—Lincoln, Haldimand and Welland—  
Northumberland and Durham—Prescott and Russell—  
Stormont, Dundas and Glengarry—Wentworth and  
Halton, s. 5.

Provision as to the property of united counties, s. 6.

Mode of laying venue in Union, s. 7.

Laws relating to districts to apply to united counties, s. 8.

Provision for dissolution of, s. 18, &c., *See* Counties.

14, 15 V. c. 109—1851.

Liability of senior and junior counties respectively in case  
of dissolution, s. 18, 19, 20.

18 V. c. 69—1855.

Debtors on limits of unions of counties, entitled to limits  
extending over both or all of them notwithstanding disso-  
lution of union, s. 5.

*See also* Counties—Municipal Corporations—Representation.

## UNIONS OF TOWNSHIPS,

*See* Townships.

## UNITED KINGDOM,

12 V. c. 10—1849.

What shall be intended by in future Acts, s. 5, *art.* 6.

## UNITED STATES OF AMERICA,

*See* Extradition—Reciprocity.

## UNIVERSITY AT KINGSTON,

*See* Queen's College.

## UNIVERSITY OF TORONTO,

16 V. c. 89—1853.

To amend the laws relating to.

Acts 12 V. c. 82, and 13, 14 V. c. 49, repealed, with so much  
of the charter as may be inconsistent with this Act, s. 1.

Corporate name to be "The University of Toronto," s. 2.

Functions of defined, s. 3.

Corporation, to be composed of a Chancellor and Vice-  
Chancellor, and of Members appointed by the Governor,  
s. 4.

Composition of the senate, s. 5.

Vacancies in chancellorship, to be supplied by appointment  
by the Governor, s. 6. *See exception in* s. 8.

Office of vice-chancellor to be bi-ennial and elective, s. 7.

Election of members of senate in certain cases, s. 8.

Governor to be the visitor, s. 9.

Senate to manage the business of the University, s. 10.

Power to make statutes, *ib.*

May grant certificates of honour as well as degrees, s. 11.

Majority in senate to decide, s. 12.

What shall be the quorum, s. 13.

Chairman to preside at meetings, and how appointed, s. 14.

Appointment of officers, s. 15.



## UNIVERSITY OF TORONTO,

- Examination for degrees and for honors, s. 16.
- Students from chartered colleges in Upper or Lower-Canada, or such others as the Governor may appoint, may be examined for degrees in arts, s. 17.
- From what institutions, in law or medicine, s. 18.
- Power to confer degrees in arts and faculties, s. 19.
- Standard of qualification for degrees not to be inferior to that in University of London, s. 20.
- Examiners to make a declaration of impartiality, s. 21.
- As to students, entered before the passing of this Act, s. 22.
- Scholarships, prizes, and rewards to be granted, s. 23.
- Nature of such scholarships, s. 24.
- Statutes under sec. 50 of the 12 V. c. 82, to remain in force, s. 25.
- Senate to make certain reports to the governor, s. 26.
- Copies to be laid before parliament, *ib.*

## UNIVERSITY COLLEGE.

- Constitution of and corporate powers, s. 27.
- Who shall be members of the council, s. 28.
- Meetings of the council, chairman, &c., s. 29.
- What to be a quorum of college council, s. 30.
- Council to make statutes for certain purposes, s. 31.
- Subject to approval of the Governor, *ib.*
- To determine the branches of knowledge to be taught, s. 32.
- Professors of divinity, law and medicine abolished; and law and medicine to be taught only as part of a general system, *ib.*
- President, professors, &c., to be appointed by the Governor, s. 33.
- No religious test, &c., to be required, s. 34.
- Professorships, &c., may be founded by private parties, s. 35.
- Governor to be the visitor, s. 36.
- Council to report annually to the Governor, s. 37.
- Copies to be laid before parliament, *ib.*
- Terms, &c., keep in former university to avail to students, s. 38.

## UPPER CANADA COLLEGE AND ROYAL GRAMMAR SCHOOL.

- Former corporation dissolved: college to be under control of senate of university, s. 39.
- Governor to be the visitor, s. 40.
- Senate of the university to make statutes for the government of, s. 41.
- Principal and masters, &c., how appointed, s. 42.
- Present statutes to be in force until repealed, s. 43.
- No religious test to be required of any master or pupil, &c., s. 44.
- Senate to make annual reports to the Governor, s. 45.
- Copies to be laid before parliament, *ib.*

## ENDOWMENT AND PROPERTY.

- Property of the University, or of U. C. College and Grammar School, to be vested in the Crown for the purposes of this Act, s. 46.

## UNIVERSITY OF TORONTO,

## ENDOWMENT AND PROPERTY.

To be managed by a bursar under direction of the Governor in council, s. 47.

Duties of the bursar, *ib.*

Provision for facilitating the transfer of property sold, s. 48.

General income fund constituted, s. 49.

Moneys invested to remain as a permanent fund, *ib.*

Income fund of Upper Canada college and grammar school, constituted, s. 50.

Permanent fund of the same, *ib.*

University income fund, and charges upon it, s. 51.

In what manner appropriations may be made, s. 52.

Allowance to present professors retiring before 1st January, 1853, s. 53.

Surplus of university income fund, how appropriated, *ib.*

Expenses of bursar's office, how paid, s. 55.

Portions of property to be assigned for the use of the institution, s. 56.

Governor in council may authorize improvements, s. 57.

Fiscal year to coincide with calendar year, s. 58.

Schedule, form of deed of conveyance.

## UNORGANIZED TRACTS,

16 V. c. 176—1853.

Provision for administration of justice in.

Provisional judicial districts to be appointed, s. 1.

Provision for holding courts of assize, oyer and terminer, and general gaol delivery in, s. 2.

Appointment of judges for :—their salary, &c., s. 3.

Sheriffs and other officers how to be paid, s. 4.

Certain laws to apply thereto, s. 5.

Justices of the peace, their powers in ;—they need not possess the property qualification required elsewhere, s. 6.

Any territory not included in any township, may be included in a provisional district, s. 7.

Provisions of the 59 G. 3, c. 10, not to be affected, s. 8.

Inciting Indians to the commission of certain offences, felony, s. 9.

Offenders may be committed to any gaol in Upper Canada, *ib.*

Provision for conveyance of prisoners to gaol in any county, &c., *iq.*

Certain buildings to be deemed gaols, s. 10.

Any persons may be returned as jurors, &c.; U. C. Jurors Acts not to apply, s. 11.

## UPPER CANADA,

12 V. c. 10—1849.

What included by these word in future Acts, s. 5, *art.* 5.

## UPPER CANADA BIBLE SOCIETY,

Incorporated, 18 V. c. 229.

## UPPER CANADA COLLEGE,

*See* University of Toronto.

## UPPER CANADA MINING COMPANY,

Incorporated, 10, 11 V. c. 73.

Charter amended, 16 V. c. 254; and again by 18 V. c. 46.

## UPPER CANADA RELIGIOUS TRACT SOCIETY,

Incorporated, 18 V. c. 230.

## UPPER CANADA TRUST AND LOAN COMPANY,

Incorporated, 7 V. c. 63.

Charter amended, 8 V. c. 96; 13, 14 V. c. 138.

## USEFUL ARTS,

*See* Inventions.

## USSHERR, E.

Pension to his widow and children, 2 V. c. 66.

## USURY,

51 G. 3, c. 9—1811.

To take more than six per cent per annum, interest, s. 6.

All bonds and contracts, &c., on which greater interest is reserved, to be void, *ib.* *But see* 16 V. c. 80.Penalties for receiving a higher rate, *ib.*

7 W. 4, c. 5—1837.

Bills of exchange or promissory notes void in inception for, not to be affected in hands of *bonâ fide* holders for valuable consideration, without notice, s. 3.

16 V. c. 80—1853.

Sec. 6 of the 51 G. 3, c. 9, repealed, s. 1.

Penalties for usury abolished, s. 2. *See exception in s. 4.*

Contracts and securities to be void as to excess of interest only, s. 3.

This act not to extend to banking institutions or insurance companies, or corporations or associations authorized to lend or borrow money at a rate above six per cent. per annum, s. 4.

## V A N

## VANALSTINE, P.,

Commission of lunacy and idiotcy authorized, 10 G. 4, c. 19.

## VARIANCES,

1 W. 4, c. 1—1831.

In civil cases, and indictments, &amp;c., for misdemeanor, amendable at trial, s. 1.

7 W. 4, c. 3—1837.

In civil actions, informations in the nature of *quo warranto*, or proceedings on *mandamus*, amendable at *nisi prius*, s. 15.

12 V. c. 21—1849.

In indictments, may be amended by order of court, s. 2.

**VARIANCES,**

18 V. c. 92—1855.

May be amended at trial in matters immaterial to the merits, ss. 1, 2, 3.

*See also* Indictment—Pleading, &c.

**VAUDREUIL RAILWAY COMPANY,**

Incorporated, 16 V. c. 134.

**VAUGHAN ROAD COMPANY,**

Incorporated, 13, 14 V. c. 134.

**VEGETABLES,**

4, 5 V. c. 25—1841.

Stealing, &c., any vegetable production in any garden, &c., punishable on summary conviction before one justice, s. 34.

Stealing, &c., any vegetable production growing in any land not being a garden, &c., how punishable, s. 35.

*See also* Malicious Injuries to Property.

**VESSELS,**

4, 5 V. c. 25—1841.

Stealing from in any port of entry or discharge, or upon any navigable river or canal, or in any creek, how punishable, s. 21.

12 V. c. 74—1849.

Act for registering mortgages of chattel property not to apply to vessels registered under 8 V. c. 5, s. 6.

*See also* Customs—Malicious Injuries to Property—Merchant Shipping—Navigation—Registration—*and Supplement.*

**VICTORIA BRIDGE,**

*See* Railways (GRAND TRUNK.)

**VICTORIA COLLEGE,**

Aid granted to, 4, 5 V. c. 34.

Incorporated, 4, 5 V. c. 37.

**VICTORIA DISTRICT,**

Erected, 7 W. 4, c. 31.

Additional tax authorized, 3 V. c. 42.

**VIDAL, R. E.,**

Road allowance in Sarnia vested in, 9 V. c. 104.

**VIEW,**

13, 14 V. c. 55—1850.

How to had in civil cases, ss. 50, 51, 52.

**VILLAGES, INCORPORATED,**

12 V. c. 81—1849.

Villages in schedule A incorporated, s. 52.

To have the corporate powers conferred by this Act on townships, *ib.*

## VILLAGES, INCORPORATED,

Five councillors to be elected on the first Monday in January, s. 53.

A town-reeve to be elected in like manner as in townships, *ib.*

Village clerk, if any, to be returning officer at first election, s. 54.

If there be no such person, returning officer to be appointed by the Governor, s. 55.

Ten days notice of election to be given, s. 56.

Returning officer to procure copy of the collector's roll, s. 57, *as amended by 14, 15 V. c. 109.*

Qualification of councillors, *ib.*

“ of electors, *ib.*

Police village, or villages not incorporated, containing over 1,000 inhabitants, within a convenient proximity to each other, may petition to be incorporated, and may be so by proclamation, s. 58.

First election after, to be held on first Monday in January, *ib.*

May be annexed wholly to some county, if lying partly within two, *ib.*

Such village to be attached to the county to which it shall have been so annexed, *ib.*

To be subject to the same regulations, &c., as villages named in schedule A, *ib.*

The municipality of such village to be formed in like manner as that of any township, with the same powers, &c., s. 59, *as amended by 13, 14 V. c. 64.*

The town-reeve (and deputy town-reeve, if any,) to have the same powers, &c., as those of any township, and to be members of the county council, *ib.*

Municipalities of incorporated villages authorized to make by-laws for certain purposes, in addition to those for which townships may make them, s. 60,—viz :

1. Opening and improving streets, &c., removing encroachments (*see also 16 V. c. 181, s. 35*).
2. Regulating highways and public places.
3. Removing steps, &c., projecting into streets.
4. Fixing boundaries of streets, &c.
5. Granting money to the county for roads, &c.
6. Regulating markets, preventing forestalling, &c., regulating weights and measures, and vehicles, destroying unwholesome meats.
7. Regulating harbours, wharves, &c.
8. Regulating assize and quality of bread.
9. Preventing and punishing offences against morality, cruelty to animals, or vagrancy, regulating public exhibitions.
10. Abating public public nuisances, regulating the use of fire-arms, bathing, &c., preventing charivaris, indecency, swearing, &c.
11. Establishing lock-up-houses.
12. Public fountains.
13. Regulating sale of gunpowder, and regulations for preventing or extinguishing fires, forming fire companies, &c.
14. Examining dwellings as regards danger from fire.
15. Providing for the health of the village, keeping bills of mortality, &c.
16. Establishing a public cemetery.
17. Prevent-

## VILLAGES, INCORPORATED,

ing immoderate driving, or riding, &c. 18. Regulating fishing. 19. Regulating inns, and places of public entertainment, limiting their number, and licensing where no other provision exists for the purpose, (*see* Liquors, Spirituous). 20. Preserving ornamental trees, &c. 21. Borrowing money for village purposes. 22. Levying money for the same. 23. Carrying into effect any of the powers conferred on the municipality, imposing fines not exceeding £5, and imprisonment not exceeding 30 days for contravention, &c. 24. Repealing or amending by-laws.

*Sect. 115* (Provision for the enlargement of the boundaries of any town or village, and new division into wards,) *is repealed by* 16 V. c. 181, 1853.

*The Villages named in schedule A. are* Chippewa—Galt—Oshawa—Paris—Richmond (in county of Carleton)—Thorold.

16 V. c. 181—1853.

*Sec. 115* of the above Act repealed, s. 1.

Persons not taxed to a certain amount on collector's roll, to pay 10s. commutation for statute labour, s. 16.

New section, substituted for the repealed section 115, s. 23.

The Governor in council may upon petition extend the limits of any incorporated town or village, and make a new division thereof into wards, &c., *ib.*

*See also* Municipal Corporations, *more especially* MISCELLANEOUS PROVISIONS.

## VILLAGES, POLICE,

12 V. c. 81—1849.

Municipality of any county may upon petition, &c., define the limits of any unincorporated village or hamlet, as a police village, and appoint place of meeting for the first election of police trustees, s. 42.

Annual election afterwards to take place on second Monday in January, s. 43.

Three police trustees to be elected and one of their number appointed "Inspecting trustee," *ib.*

Collector to deliver copy of his roll to the person presiding at such election, s. 44.

Qualification of electors and of persons to be elected trustees, *ib.*

Trustees of the preceding year may appoint chairman at next annual meeting for election, s. 45.

In case of chairman's absence, for one hour, meeting may appoint one, s. 46.

In case of vacancy among police trustees, the others may fill it by appointment, s. 47.

Police trustees neglecting their duty to forfeit 20s., s. 48.

Limitation of suits for such penalties, s. 49.

Penalties under police regulations, how to be sued for, s. 50.

General authorities and powers of police trustees, s. 51.

**VILLAGES, POLICE,**

They shall enforce the police regulations established by this section, concerning :

1. Ladders on roofs. 2. Fire buckets. 3. Bakers, brewers, &c., precautions to be observed by, against fire. 4. Stove pipes. 5. Entering stables, &c., with lights. 6. Fires and fire-places in wooden buildings. 7. Carrying fire from place to place. 8. Hay, straw, &c., in dwellings. 9. Keeping gunpowder. 10. Selling gunpowder at night. 11. Depositing ashes, cinders, &c. 12. Orquick-lime. 13. Lighting fires in streets. 14. Preventing charcoal furnaces. 15. Removing filth, rubbish, &c.

**VILLAGES, PLANS OF,**

12 V. c. 35—1849.

Plans of lands divided into towns or villages, to be deposited with registrar, and how dealt with, ss. 42, 43.

*See* Surveys—Towns.

**W A G****WAGES,**

4, 5 V. c. 27—1841.

Assault on any person in pursuance of any conspiracy to raise wages, how punishable, s. 25.

*See also*, Master and Servant.

**WAGER OF LAW,**

3 W. 4, c. 3—1837.

Abolished, s. 10.

**WALPOLE, TOWNSHIP,**

Annexed to the Niagara district, 7 G. 4, c. 13.

**WALPOLE AND WOODHOUSE, TOWNSHIPS,**

Boundary line between, 12 V. c. 101 ; 13, 14 V. c. 89.

**WAR LOSSES,**

11 G. 4, c. 21—1830.

To relieve sufferers from in consequence of war with United States, grant for, s. 1.

Appropriation towards payment of,—2 W. 4, c. 32, 1832.

Authorising loan for payment of,—3 W. 4, c. 25, 1833.

Further relief on account of,—3 W. 4, c. 26, 1833.

For payment of portion of,—6 W. 4, c. 37, 1836, 7 W. 4, c. 89, 1837. *These Acts are probably effete by the accomplishment of their object.*

**WAREHOUSE,**

4, 5 V. c. 25—1841.

Breaking, entering and stealing therein, how punishable, s. 20.

**WAREHOUSEMAN,**

12 V. c. 12—1849.

Any warehouseman, forwarder, carrier, agent or clerk,  
giving false receipt with intent to deceive or defraud, to  
be guilty of misdemeanor, s. 1.

**WAREHOUSING,**

*See Customs.*

**WARDEN,**

12 V. c. 81—1849.

To be elected by the county council at their first meeting,  
s. 35, *as amended by* 14, 15 V. c. 109.

To be the head of the municipality of the county, s. 108.

And a justice of the peace *ex officio*, Sec. 22 of 16 V. c. 181,  
*substituted for* s. 109 *of this Act.* *See Counties—Municipal Corporations.*

**WARRANT,**

16 V. c. 179—1853.

Search, and other warrants may be issued on sunday, s. 3.

**WARRANTY,**

4 W. 4, c. 1—1834.

No bar to right of entry, s. 42.

**WASTE LANDS OF THE CROWN,**

43 G. 3, c. 4—1803.

Grantees, when the patent is to two or more, to take as  
tenants in common, unless joint tenancy is expressed, s. 1.

*See also* Heir and Devisee—Public Lands.

**WATERCOURSES,**

*See Fences and Watercourses.*

**WATER COMPANIES,**

*See Gas and Water.*

**WATER AND GAS COMPANIES,**

*See Gas and Waterworks.*

**WATERS NAVIGABLE,**

*See Navigable Waters.*

**WATER WORKS,**

12 V. c. 81—1849.

Municipalities authorized to make by-laws for establishing  
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**WATERLOO, BRANT AND PERTH,**

Provisions relative to, 16 V. c. 81.

**WATERLOO BRIDGE COMPANY,**

Incorporated, 1 V. c. 32.

Charter amended, 2 V. c. 40.



## WATERLOO AND DUNDAS,

Macadamized road between.—*See* Dundas.

## WATEROUS, C. H.,

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## WEEKLY ALLOWANCE,

*See* Insolvent Debtors.

## WEEKS, W.,

For appointment of trustees for carrying his will into effect,  
2 G. 4, c. 22.

## WEIGHING MACHINE,

4, 5 V. c. 26—1841.

Destroying any erected for collection of tolls at turnpike  
gate, misdemeanor, s. 14.

## WEIGHTS AND MEASURES,

4 G. 4, c. 16—1823.

Act 32 G. 3, c. 3, repealed, s. 1.

£75 sterling granted for a standard of, according to the  
standard in England, to be deposited with the secretary  
of the province, s. 2.

Secretary to furnish a standard to each district, s. 3.

Penalty £2 for having in possession unstamped weights and  
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3 V. c. 17—1840.

Inspector's oath to be *prima facie* evidence, in prosecutions  
under 4 G. 4, c. 16. ? *But see* 12 V. c. 85.

12 V. c. 81—1849.

Municipalities authorized to make by-laws for regulating  
according to the lawful standard, and for destroying any  
contrary thereto, and for imposing penalties on offenders,  
s. 60, art. 6.

12 V. c. 85—1849.

Sections 4, 5, 7, of the 4 G. 4, c. 16, and sections 1, 2, of the  
3 V. c. 17, repealed, s. 1.

Inspectors of licenses to be inspectors of weights and mea-  
sures within their districts or divisions, s. 2. *But see*  
18 V. c. 135.

To be sworn as such, *ib.*

To stamp weights and measures if found correct, s. 3.

To attend for that purpose at such time and place as the  
magistrates in general quarter sessions shall appoint, s. 4.

Penalty for using unstamped or false weights or measures  
not more than £5 nor less than £2, *ib.*

Inspectors authorized to enter and examine, s. 5.

Penalty for having false weights or measures in possession,  
not more than £2 for the first offence, £5 for every  
subsequent one, *ib.*

How recoverable, *ib.*

Forging or counterfeiting stamps or marks, misdemeanor :  
fine not exceeding £20, and imprisonment, s. 6.

**WEIGHTS AND MEASURES,**

Penalty for selling by weights or measures with such forged marks, not exceeding £10 nor less than 40s., *ib.*

Such weights or measures to be destroyed, *ib.*

Penalty on inspector stamping weights or measures not duly verified, or guilty of any breach of duty, not exceeding £5, s. 7.

Inspector's fee for stamping 6d., s. 8.

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Provision in case of inspectors being appointed by municipalities of cities, towns or incorporated villages, s. 12.

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7 V. c. 34—1843.

Act 4, 5 V. c. 48, repealed, and 7 W. 4, c. 92, amended, s. 1.

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8 V. c. 74—1845.

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Debentures to be issued, s. 2.

9 V. c. 37—1846.

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**WELLAND CANAL COMPANY,**

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*But this work is now a public work, the stock having been finally purchased by government under 7 V. c. 34 (repealing 4, 5 V. c. 48,) and 8 V. c. 74.*

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Act amended, 16 V. c. 221.

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5 W. 4, c. 1—1835.

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14, 15 V. c. 119—1851.

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**Abatement—Absconding Debtors—Absent Defendants—Accident—**  
**Acknowledgment—Action—Administration—Adverse Claims**  
**—Affidavit—Agents—Alimony—Amendment—Amends—**  
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**Award,**

Bail—Bailable Process—Bankruptcy—Bankrupts—Bargain and Sale—Bills of Costs—Bills of Exchange—Blood (corruption of)—Bonds,  
 Canada Gazette—Capias—Cestui que trust—Chattels—Christian Name—Civil Rights—Civil Suits—Commission for examination of Witnesses—Commissioners to take Affidavits—Common Law, Superior Courts of—Contingent Remainder—Continual Claim—Contracts—Conveyances of Real Property—Corporations—Costs—Crown Debts—Currency,  
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 Ejectment—Enrolment (of Deeds)—Entry—Equitable Estates—Equity of Redemption—Error (Writ of)—Estate Tail—Evidence—Exchange of Real Estate—Execution—Executors and Administrators.  
 False Imprisonment—Feoffment—Fieri Facias—Fines and Recoveries—Foreclosure—Foreign Judgments—Frauds, Statute of—Fraudulent Conveyance,  
 Gaol Limits—General Issue—Guardians,  
 Habeas Corpus—Heir—Heir and Devisee—Holiday,  
 Illegitimate Child—Imprisonment for debt—Indigent Debtor—Infants—Inheritance—Insane—Insolvent Debtors—Interest—Interpleader—Interpretation—Issue joined,  
 Jeofails—Joint Contractors—Joint Tenancy—Joint Tenant—Judgment—Judgment (Registration of)—Juries—Jurors' Fund,  
 Labourers—Landlord—Lands—Law Civil (Amendment of)—Law Suits (unnecessary multiplication of)—Leases—Legacy—Letter of Attorney—Letters of Administration—Letters Patent (Crown Lands)—Libel—Limitation of Actions—Local Actions—Lunacy,  
 Marriage—Married Women—Master and Servant—Memorial—Mesne Process—Mesne Profits—Mileage—Minors—Misnomer—Mixed Actions—Money—Month—Mortgage—Mortgagee—Mortgagor,  
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 Oaths and Affirmations—Outlawry—Overholding Tenant, Parcener—Partnership, Limited—Partition—Payment into Court—Person—Personals—Pleading—Possession—Prescription—Primogeniture—Prisoners—Process—Promissory Note—Property and Civil Rights—Protest—Proviso,  
 Real and mixed Actions—Real Property—Record—Registrars—Registry Laws—Rules—Rent—Replevin—Returns to Process, Sale of Lands—Scire Facias—Seduction—Set off—Shares (of Stock)—Sheriffs—Simple Contract—Slander and Libel—Special Case—Special Jury—Stock—Submission to Arbitration—Sunday—Survey,  
 Tacking Mortgages—Tenancy at Will—Tenancy, Joint—Tenant Overholding—Tender—Testatum, Writs—Time—Trial by Jury—Trover—Trustees,  
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 Wager of law—Warranty—Waste Lands (grantees of)—Weekly Allowance—Wills—Witnesses—Written Acknowledgment—Written Memorandum—Writs.

*Municipal Authorities.*

Ale-houses—Animals—Assessments—Assessors—Assize of Bread,  
 Beer Houses—Billiard Tables—Boundaries—Bread—Bridges,  
 Cattle, running at large—Cemeteries—Chamberlain—Cities—  
 Collector—Counties—County Councils—County Rates—  
 Cruelty to Animals,  
 District Councils—Districts abolished—District Funds—Dogs,  
 Excise Duties,  
 Fences and Water Courses—Ferries—Fines and Forfeitures—Fire  
 —Fire-works,  
 Gambling—Gaol—Gas and Water—Gunpowder,  
 Harbours—Hawkers and Pedlers—Highways—House of Correc-  
 tion—House of Industry,  
 Indecency—Industrial Farms—Innkeepers—Inspectors of Inns—  
 Intemperance—Intoxicating Liquors,  
 License—Line Fences—Liquors, Spirituous—Lock-up Houses,  
 Markets—Mayor—Municipal Corporations—Municipal Debentures  
 —Municipal Loan Fund—Municipal Revenue Returns,  
 Non-residents—Non-resident Land Fund—Nuisance,  
 Ornamental Trees—Overseers of Highways,  
 Patriotic Fund—Police Office—Police Villages—Poultry—Pound—  
 Pound-keepers—Profane Swearing—Prohibitory Liquor Law  
 —Provisional Councils—Provisions—Public Health—Public  
 Nuisance,  
 Returns, Municipal—Road Allowances—Road Surveyors—Roads  
 and Bridges,  
 Sale of Lands (taxes)—Sheep—Shop-keepers—Spirituous Liquors  
 —Statute Labour—Swearing, Profane—Swine,  
 Taverns—Taxes—Town Reeve—Towns—Townships—Township  
 Officers—Treasurers, Municipal—Trades or Callings,  
 Unions of Counties,  
 Villages, incorporated,  
 Warden—Water-works—Weights and Measures.

*Commerce and Trade and matters connected therewith.*

Agents—Ashes—Auctioneers,  
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 Bills of Exchange,  
 Consignee—Contracts, (sale of goods)—Copy-right—Currency—  
 Customs,  
 Emigrants and Quarantine,  
 False Receipts—Fish, (inspection)—Flour and Meal—Free Trade,  
 Grain and Pulse,  
 Holiday,  
 Insolvent Debtors—Interest—Inventions,  
 Lights—Lumber, (inspection)—Lands, Public, (cutting timber on),  
 Markets—Merchant Shipping,  
 Navigation—New York Currency—Notaries,  
 Partnership, Limited—Pawnbrokers—Passengers—Promissory  
 Notes—Protest,  
 Quarantine,  
 Reciprocity—Registration of British Plantation Vessels,  
 Savings Banks—Seamen—Steamers—Steam-boats—Stock—  
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*General Incorporation of Companies and Associations for  
divers purposes.*

Associations, Provident,  
Banking—Baths—Building Societies,  
Cemeteries,  
Gas and Water Works,  
Harbours and Docks—Hotels,  
Manufacturing, Mining, Shipbuilding, Mechanical and Chemical  
purposes—Mechanics' Institutes and Library Associations—  
Mineral Springs—Mutual Insurance,  
Rivers, &c., improvement of, for transmission of lumber—Roads,  
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*Miscellaneous Matters of Public Economy.*

Agricultural Societies—Anatomy—Apprentices and Minors.  
Boundary Lines,  
Children, Orphans—Churches and Chapels—Church of England—  
Clergy—Clergymen—Copyright,  
Ecclesiastical Rights—Educational Institutions,  
Fences and Water Courses—Ferries—Firemen—Forfeited Estates,  
Highways,  
Indians—Inventions,  
Lunatic Asylums (private),  
Macadamized Roads—Manure—Marriage—Medical Board—Mills,  
Newspapers—Notaries,  
Orphans,  
Pawnbrokers—Physic and Surgery—Poor Laws—Public Health—  
Public Meetings,  
Railways—Rectories—Religious Societies—Rivers and Rivulets—  
Road Allowances,  
Schools—Slaves—Sunday—Surgeon—Survey—Surveyors,  
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Trees—Tythes,  
Useful Arts—Usury,  
Villages and Towns (registry of plans),  
Wolves.

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*Administration of Justice.*

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Newcastle District—Niagara, (Court House at),  
York, County, (Courts in):

*Harbours.*

Cobourg,  
Kettle Creek,  
Toronto,  
Whitby.

*Municipalities (present),—special provisions respecting.*

Amherstburgh, (sale of market),  
 Belleville, (hospital reserve)—Brant, Perth and Waterloo, (separation from other counties—By-town, (made a City),  
 Cayuga, Town, (street closed)—Cobourg, (harbour vested in),  
 Dundas, Town, (security for Desjardins Canal Company),  
 Essex and Kent, (Provisional Council),  
 Gore and Wellington (arrangement between confirmed),  
 Halton, County, (separation from Wentworth)—Hamilton, City, (loans, &c.)  
 Kingston, City, (loan),  
 Paris, Town, (incorporated)—Perth, Huron and Bruce (separation)—Peterborough, County, (Councillors indemnified),  
 Stamford, Township, (by-laws about public carriages),  
 Torbolton (legalized)—Toronto, (loan, stock in railway, &c.),  
 Welland, County—Wentworth and Halton—Whitby, Town, (incorporated).

*Roads and Bridges.*

Amherstburgh and Sandwich,  
 Camboro' and Simcoe—Cayuga,  
 Dundas and Waterloo,  
 Ernestown and Fredericksburgh,  
 Hamilton and Brantford—Hamilton and Port Dover—Home District—Humber River—Huronario,  
 Johnston District,  
 Kingston and Napanec,  
 Queenston and Grimsby,  
 West Gwillimbury,  
 Yonge Street—York, Town.

*Surveys and Boundaries of Local Divisions.*

Aldborough—Ameliasburgh—Ancaster and Flamborough—Athol,  
 Bathurst—Bedford—Beverley—Binbrooke and Saltfleet—Brock,  
 Carleton—Cayuga—Clatham and Camden—Colborne, District—Cornwall, Township—Cramahe,  
 Dalhousie, District,  
 Edwardsburgh—Ernestown and Fredericksburgh,  
 Fredericksburgh,  
 Georgina—Glengarry County—Gloucester—Gore, District,  
 Hallowell—Hallowell and Sophiasburgh—Hamilton, (Township)—Hawkesbury—Hillier—Huron, District,  
 King—Kingston (Township),  
 Lancaster—Leeds and Landsdowne—Louth,  
 Monaghan,  
 Niagara, District—Niagara and Gore—Niagara (Town)—Niagara (Township)—North Gwillimbury—Norwich,  
 Osgoode—Osnabruck—Ottawa, District—Oxford,  
 Plantagenet—Prince Edward, County,  
 Rainham—Romney,  
 Saltfleet and Binbrooke—Simcoe, County—Smith—Sophiasburgh, Townsend,  
 Victoria, District,  
 Walpole and Woodhouse—Wellington, District—Whitby, Town—Winchester—Wolfe Island—Wolford—Woodstock (Town),  
 Yonge—Yonge and Escot.

*Various Local Matters.*

Bathurst, District, (grant for school, &c.)—Brockville, (land for school)—Bytown (effect of disallowance of incorporation)—Chatham, Town, (error in letters patent of two lots)—Chatham, Board of School Trustees, (sale of lot)—Colborne, District, (additional rate in),  
 Dalhousie, District, (additional tax in, and loan for Court-House),  
 Eastern, District, (loan for Gaol)—Essex, County, (statute labour on Huron tract)—Essex and Kent (statute labour),  
 Fishery in Burlington Bay,  
 Gloucester (taxes in),  
 Hastings (defects in Registration)—Home, District, (new Gaol and consolidation of debts)—Huron, District, (taxes, mill dams, &c.),  
 Johnstown, District,  
 Kingston, (Gaol and Court-House),  
 London (District Town removed)—London, Town, (new Court-House in—London (Town) part of a Street vested in Board of Works,  
 Middlesex (place of Registry Office changed)—Midland, District, (loan and additional tax)—Moirs River, (slides to mill-dams on),  
 Newcastle, District, (sale of Gaol, &c.)—Niagara, District, (loan, loss of deeds during the war)—Northumberland (acts of Registrar confirmed),  
 Otonabee (exchange of concession road)—Ottawa, District, (schools, &c.)  
 Petite Nation River (survey),  
 Sandwich (Street in)—Simcoe, District, (tax, &c.)  
 Talbot, District, (erected, tax, &c.)—Thames River (erection of mill-dams on)—Toronto (Executive Councillors as Justices of the Peace)—Toronto Board of Trade—Toronto General Burying Ground,  
 Victoria, District, (erection, tax),  
 Western District (tax).

## PERSONAL OR PRIVATE ACTS.

*Attainder reversed, &c.*

Grace, O.  
 Mathews—Montgomery,  
 Stevens.

*Admission to practice the Law.*

Ainslie,  
 Bacon—Bristowe,  
 Carruthers,  
 Dempsey,  
 Galvin—Gilkison—Gilman,  
 Harrison,  
 Keele, W. C.  
 Macara—Macaulay—McIntyre—Maddock,  
 Prince,  
 Thompson, J. R., and Jessup, H.—Turner—Twynam.

*Banks.*

Bank of British North America—Bank of Montreal—Bank of Niagara District—Bank of Toronto—Bank of Upper Canada—Bank of Upper Canada (pretended) at Kingston—Banking Institutions (certain)—Banque du Peuple—Banks (divers) transfer in London,

City Bank—Commercial Bank,  
District Bank, Quebec,  
Eastern Townships,  
Gore Bank,  
Molsons' Bank,  
Niagara District Bank,  
Quebec Bank,  
St. Francis Bank,  
Zimmerman Bank.

*Bridge Companies.*

Caledonia—Cataraqui—Cayuga,  
Fort Erie and Buffalo,  
Niagara Falls Suspension—Niagara River Suspension?  
Queenston Suspension,  
Victoria,  
Waterloo Bridge,  
York Bridge.

*Canals and Navigation Companies.*

Beverley,  
Desjardins Canal—Durand (Canal at Sarnia),  
Fort Erie Canal,  
Gananoque and Wiltsie Navigation—Grand River—Grantham Navigation,  
Niagara Canal,  
Ontario and Bay of Quinté Canal—Otter Creek Navigation,  
Rideau Canal,  
Tay Navigation,  
Welland—Wolfe Island.

*Cemeteries.*

Cataraqui,  
Little Lake,  
Toronto General Burying Ground—Toronto Necropolis.

*Charitable and Benevolent Associations.*

Carleton County Protestant Hospital—Communauté des Sœurs de la Charité,  
Elgin Association,  
Grand Division of the Sons of Temperance,  
Hamilton Orphan Asylum,  
Kingston Hospital,  
Managers, Orphan Fund, Presbyterian Church—Military Asylum,  
Sisters of St. Joseph, Toronto,  
Temperance Reformation Society—Toronto Hospital—Toronto House of Industry,  
Upper Canada Bible Society—Upper Canada Religious Tract Society.



*Commercial and Trading Companies.*

Burlington Bay Dry-Dock and Shipbuilding,  
 Canada Inland Forwarding—Canada Ocean Steam—Canada Ore  
 Dressing—Canadian Steam Navigation,  
 General Drainage.  
 Kingston Marine Railway,  
 Toronto Dry Dock.

*Divorce.*

Beresford, W. H.,  
 Stuart, J.,

*Educational Institutions.*

Bath School—Burlington Ladies' Academy,  
 College of Regiopolis—College of Bytown,  
 Grantham Academy,  
 Hamilton College,  
 Midland District School Society,  
 Quakers' Seminary—Queen's College,  
 Regiopolis College,  
 St. Michael's College,  
 Toronto School of Medicine—Trinity College,  
 Victoria College.

*Gas and Water Companies.*

Brockville Gas,  
 City of Toronto Gas—City of Toronto Gas and Water—City of  
 Kingston Gas—City of Kingston Water Works—Consumers'  
 Gas,  
 Hamilton Gas—Hamilton Water Works,  
 Kingston Gas—Kingston Water,  
 Metropolitan Gas and Water.

*Harbour Companies.*

Bayfield—Bond Head—Bronté,  
 Canada Company, (Harbour at Goderich,)—Cobourg—Commis-  
 sioners of Port Hope, &c—Credit,  
 Darlington,  
 Goderich—Grafton—Grimsby,  
 Humber,  
 Louth,  
 Niagara,  
 Oakville,  
 Pickering—Port Burwell—Port Colborne—Port Darlington—Port  
 Dover—Port Hope,  
 Stoney Creek—Sydenham,  
 Woodstock and Lake Erie Railway and Harbour.

*Incorporated Companies for Divers Purposes.*

Caledonia Springs—Canada Guarantee,  
 General Drainage,  
 Hamilton Hotel,  
 Kingston Mineral Wells,  
 Oakville Hydraulic,  
 Paris Hydraulic,  
 Toronto Exchange—Toronto Royal Hotel.

*Insurance Companies.*

British America,  
 Canada Fire—Canada Inland Forwarding and Insurance—Canada  
 Life—Canada West Farmers',  
 Erie and Ontario,  
 Imperial Fire, Marine and Life,  
 Kingston Fire, Marine, &c.,  
 Marine Mutual (Montreal)—Montreal Fire, Life, &c.,  
 Ontario Marine and Fire,  
 Provident Life and Investment—Provincial Mutual and General,  
 St. Lawrence Inland Marine,  
 Western Assurance.

*Literary and Scientific Institutions.*

Hamilton and Gore Mechanics' Institute—Hamilton Mercantile  
 Library,  
 Toronto Athenæum—Toronto Mechanics' Institute.

*Loan Companies.*

Canadian Loan,  
 Upper Canada Trust and Loan,  
 Welland Canal Loan,  
 Upper Canada Trust and Loan,  
 Welland Canal Loan.

*Manufacturing Companies.*

Canada Ore Dressing—Canada Powder—Cayuga Glass—Cobourg,  
 International,  
 Leeds, Lanark and Renfrew Locomotive—Lyn Manufacturing—  
 Lyndhurst Mining and Manufacturing,  
 Marmora Foundry,  
 St. Catherine's Salt—Saltfleet Salt,  
 Toronto Locomotive.

*Mill Dams.*

Hespeler, J.,  
 Silverthorne, A. and N.,  
 Tunks, R.,

*Mining Companies.*

British North American—British and Canadian,  
 Canada Copper—Canada—Canada Ore Dressing,  
 Echo Lake,  
 Garden River,  
 Huron—Huron Copper—Huron and St. Mary's,  
 International,  
 Lake Huron Silver and Copper—Lyndhurst Mining and Manufac-  
 turing,  
 Montreal,  
 Neepon,  
 Philadelphia and Huron,  
 Quebec and Lake Superior—Sault St. Mary,  
 Upper Canada.

*Naturalization of divers Persons.*

Aliens, divers,  
 Erb, D., and others,

Gould, J., and others,  
 Kellog, O., and others,  
 Merrick and others—Morgan, C., and others,  
 Nellis,  
 Shartz—Spalding,  
 Waterous.

*Pensions and Grants.*

Carroll—Coffin,  
 Kerry,  
 Lawe—Leggo,  
 MacNab and Church—McCormick—McLeod—McMillan—Militia  
 Pensions—Miller—Moodie,  
 Pension to L. Bright—Pomeroy,  
 Randall—Rebellion Losses (certain persons)—Roche—Rolph—  
 Ryan, J., and others,  
 Ussher,  
 White,

*Railway Companies.*

Amherstburgh and St. Thomas,  
 Brockville and Ottawa—Buffalo, Brantford and Goderich—Bytown  
 and Britannia—Bytown and Prescott—Bytown and Pembroke,  
 Carillon and Grenville—Cataraqui and Peterborough—City of  
 Toronto and Lake Huron—Cobourg and Peterborough,  
 Erie and Ontario,  
 Galt and Guelph—Grand Junction—Grand Trunk—Grand Trunk  
 of Canada East—Great Western,  
 Hamilton and Port Dover—Hamilton and South Western—Hamil-  
 ton and Toronto,  
 London and Gore—London and Port Sarnia—London and Port  
 Stanley,  
 Montreal and Bytown,  
 Oakville and Arthur—Ontario, Simcoe and Huron,  
 Perth and Kemptville—Peterborough and Port Hope—Peterborough  
 and Chemong Lake—Port Dalhousie and Thorold—Port Perry  
 and Whitechurch—Port Whitby and Lake Huron—Prince Ed-  
 ward,  
 St. Clair, Chatham and Rondeau—Stratford and Huron,  
 Toronto and Goderich—Toronto and Guelph—Toronto, Simcoe and  
 Lake Huron,  
 Vaudreuil,  
 Windsor—Wolfe Island, Kingston and Toronto—Wolfe Island  
 Railway and Canal—Woodstock and Lake Erie.

*Religious Bodies.*

Brockville (St. Peter's Church),  
 Canada Baptist Missionary Society—Church Societies—Connex-  
 ional Society, Wesleyan, &c.,  
 Dundas (Free Church in),  
 Evangelical Association—Evangelical Lutheran Church,  
 German Evangelical Church,  
 London (St. Paul's Church),  
 Methodist Episcopal Church—Miles, J., (Presbyterian Church in  
 Vaughan.)  
 Perth Calvinistic Baptist Church—Peterborough Roman Catholic  
 Congregation,

Roman Catholic Bishops incorporated,  
 St. George's Church, Kingston—Simcoe—Simcoe (Church in),  
 Toronto (St. James' Church),  
 Wesleyan Methodist Church,  
 York (Presbyterian Congregation)—York (R. C. Congregation).

*Road Companies.*

Albion,  
 Cobourg and Grafton—Cobourg and Port Hope—Cobourg and Rice  
 Lake,  
 Etobicoke and Mono,  
 Guelph and Dundas,  
 Humber,  
 Markham and Elgin Mills,  
 Niagara and Ten-Mile Creek,  
 Pickering Harbour and Road—Port Credit and Hurontario,  
 Scarborough and Markham—Streetsville—Sydenham Mountain,  
 Trafalgar, Esqueness and Erin,  
 Vaughan,  
 Weston—Windsor.

*Road Allowances vested in divers parties.*

Andrews, J. K.,—Andrews, J. M.,  
 Bradley,  
 Hamilton, R. J.,  
 MacNab—McCollom,  
 Shortis,  
 Thompson, A.,  
 Vidal,  
 Widmer, C., and others,

*Telegraph Companies.*

British North American—Bytown and Montreal,  
 Montreal,  
 New York, Newfoundland and London,  
 Toronto, Hamilton and Niagara,  
 Western.

*Titles and Trusts—(power to hold or convey property).*

Atkinson,  
 Cartwright—Clarke, Thomas,  
 Desjardins, P.,  
 Handley,  
 Johnson,  
 London (St. Paul's Church),  
 McIsaac—McLaurin—Miles, J.,  
 Perth Calvinistic, &c., Church—Peterborough (R. C. Congregation  
 Trustees)—Powell, W. D.,  
 Ritchie—Ryserse,  
 St. George's Church—St. George, L. Q.,—Simcoe (lands for Church  
 in)—Starr, Dr.,  
 Toronto (St. James' Church),  
 Weeks—White—Wilkes, C.,—Wood.

*Various Matters.*

Brock Monument, building committee indemnified,  
Counter, J., patent for a stove,  
Edwards, J., relief as to forfeited estate,  
Leslie, indemnified for voting at Lanark,  
Vanalstine (Commission of Lunacy.)

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# S U P P L E M E N T .

## SECOND PART.

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Agriculture, Board of, 13, 14 V. c. 73.

Agricultural Societies, 11 G. 4, c. 10—5 W. 4, c. 11—7 W. 4, c. 23—8 V. c. 54—14, 15 V. c. 127.

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Amherstburgh, Police in, 57 G. 3, c. 2—3 W. 4, c. 27.

Amherstburgh, Market in, 1 W. 4, c. 3.

Army Bills of L. C., circulation facilitated, 53 G. 3, c. 1—54 G. 3, c. 16—56 G. 3, c. 25.

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 Beef and Pork, Inspection of, 45 G. 3, c. 8—3 V. c. 25.  
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 Brock, Sir J., grant for monument, 55 G. 3, c. 15—7 G. 4, c. 30.  
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